

# **EXHIBIT 25**

# Mika Meyers Beckett & Jones<sup>PLC</sup>

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## Attorneys at Law

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Michael C. Haines <sup>4</sup>	Scott E. Dwyer	Andrea D. Crumback	Amy L. VanDyke	Claude L. Vander Ploeg	<sup>2</sup> Delaware
John T. Sperla	William A. Horn <sup>6</sup>	Daniel J. Parmeter, Jr.	Daniel J. Broxup	Ronald J. Clark	<sup>3</sup> Illinois
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James K. White	Neil L. Kimball	Nathaniel R. Wolf	Scott A. Hughes	Scott S. Brinkmeyer	<sup>5</sup> Ohio
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Mark A. Kehoe	Eric S. Richards	Benjamin A. Zainea	Steven L. Dykema	Retired	<sup>7</sup> Texas
Fredric N. Goldberg	John C. Arndts	Ronald M. Redick	Daniel J. Kozera, Jr.	Veryl N. Meyers	<sup>8</sup> Wisconsin
John H. Gretzinger	James F. Scales	Kimberly M. Large <sup>2</sup>			

June 13, 2013

City of Cadillac  
Attn: Freedom of Information Act Officer  
200 North Lake Street  
Cadillac, MI 49601

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Michigan Freedom of Information Act ("FOIA"), I am requesting that I be provided with copies of the following described documents:

1. All correspondence, including e-mail correspondence, between the City of Cadillac (including, without limitation, any officer, official, employee, contractor or other representative of the City) and any representative of TeriDee, LLC, relating in any way to the property that is the subject of the Annexation Petition that TeriDee, LLC filed with the State Boundary Commission on June 5, 2013 (the "TeriDee Annexation Petition").<sup>1</sup>

2. All correspondence, including e-mail correspondence, between the City of Cadillac (including, without limitation, any officer, official, employee, contractor or other representative of the City) and either John F. Koetje and/or Delia Koetje, or any other representative of the John F. Koetje Trust, as amended, and/or the Delia Koetje Trust, as amended, relating in any way to the property that is the subject of the TeriDee Annexation Petition.

3. To the extent not already provided in response to the above requests, all writings in the City of Cadillac's possession that relate, in any way, to the cost of extending City sewer services to the property that is the subject of the TeriDee Annexation Petition.

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<sup>1</sup> The Annexation Petition to which I am referring can be viewed, online, at [http://www.michigan.gov/documents/lara/lara\\_bcc\\_sbc\\_13\\_ap\\_2\\_petition\\_423671\\_7.pdf](http://www.michigan.gov/documents/lara/lara_bcc_sbc_13_ap_2_petition_423671_7.pdf).

4. To the extent not already provided in response to the above requests, all writings in the City of Cadillac's possession relating, in any way, to the proposed means, methods and/or route for extending City sewer services to the property that is the subject of the TeriDee Annexation Petition.

5. To the extent not already provided in response to the above requests, all writings in the City of Cadillac's possession that relate, in any way, to the cost of extending City water services to the property that is the subject of the TeriDee Annexation Petition.

6. To the extent not already provided in response to the above requests, all writings in the City of Cadillac's possession relating, in any way, to the proposed means, methods and/or route for extending City water services to the property that is the subject of the TeriDee Annexation Petition.

7. All writings in the City's possession, including, without limitation, site plans, sketches, diagrams and/or narratives, illustrating or describing how TeriDee, LLC, the John F. Koetje Trust, as amended, and/or the Delia Koetje Trust, as amended, propose to develop the property that is the subject of the TeriDee Annexation Petition, if it is annexed into the City of Cadillac.

8. All writings in the City of Cadillac's possession which demonstrate the zoning district in which the City of Cadillac proposes to zone, or has considered zoning, the property that is the subject of the TeriDee Annexation Petition, if that property is annexed into the City.

I ask that you please mail copies of the above-described documents to my attention within five business days of your receipt of this FOIA request, in accordance with Section 5(2) of FOIA. Please mail the records to the following address:

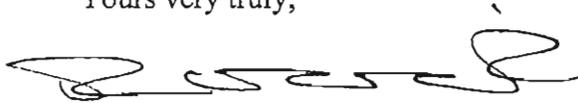
Ronald M. Redick  
Mika Meyers Beckett & Jones PLC  
900 Monroe Avenue, NW  
Grand Rapids, MI 49503

Enclosed is a check in the amount of \$25 so that you can begin processing this request. If the total allowable fee, as described in Section 4 of FOIA, will exceed \$25, please notify me, and I will promptly arrange for payment of the balance.

City of Cadillac  
June 13, 2013  
Page 3

Thank you for your cooperation. I look forward to prompt receipt of the requested documents.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ronald M. Redick', with a stylized flourish at the end.

Ronald M. Redick

Direct Dial/Fax: (616) 632-8053  
E-Mail: [redick@mmbilaw.com](mailto:redick@mmbilaw.com)

mll  
Enclosure

# **EXHIBIT 26**



July 9, 2013

Mr. Ronald Reddick  
Mika Meyers Beckett & Jones, PLC  
900 Monroe Ave.  
Grand Rapids, MI 49503

Dear Mr. Reddick

Re: Freedom of Information Act Request  
Request Granted in Part and Denied in Part

The City of Cadillac received your Freedom of Information Act Request on June 17, 2013 requesting copies of documents relating to the property that is the subject of the TeriDee Annexation Petition. Your request is granted in part and denied in part as follows:

**1. All correspondence, including e-mail correspondence, between the City of Cadillac (including, without limitation, any officer, official, employee, contractor or other representative of the City) and any representative of TeriDee, LLC, relating in any way to the property that is the subject of the Annexation Petition that TeriDee, LLC filed with the State Boundary Commission on June 5, 2013 (“the TeriDee Annexation Petition”).**

The requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233. You have requested documents “relating in any way to the property.” That description is vague and, therefore, your request does not meet the statutory requirements. With that said, to the extent that the City could reasonably identify documents that respond to your request, your request is granted.

**2. All correspondence, including e-mail correspondence, between the City of Cadillac (including, without limitation, any officer, official, employee, contractor or other representative of the City) and either John F. Koetje and/or Delia Koetje, or any other representative of the John F. Koetje Trust, as amended, and/or the Delia Koetje Trust, as amended, relating in any way to the property that is the subject of the TeriDee Annexation Petition.**

The requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233. You have requested documents “relating in any way to

the property.” That description is vague and, therefore, your request does not meet the statutory requirements. With that said, to the extent the City could reasonably search for and review documents that may respond to your request, your request is denied because the City does not have or maintain any documents between the City and John or Delia Koetje or their respective trusts. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

**3. To the extent not already provided in the response to the above requests, all writings in the City of Cadillac’s possession that relate, in any way, to the cost of extending City sewer services to the property that is the subject of the TeriDee Annexation Petition.**

The requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233. You have requested documents “that relate, in any way, to the cost.” That description is vague and, therefore, your request does not meet the statutory requirements. With that said, to the extent the City could reasonably search for and review documents that may respond to your request, your request is denied because the City does not have or maintain any documents that identify the cost of extending City sewer service to the property. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

**4. To the extent not already provided in the response to the above requests, all writings in the City of Cadillac’s possession relating, in any way, to the proposed means, methods and/or route for extending City sewer services to the property that is the subject of the TeriDee Annexation Petition.**

The requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233. You have requested documents “relating, in any way, to the proposed means, methods and/or route.” That description is vague and, therefore, your request does not meet the statutory requirements. With that said, to the extent the City could reasonably search for and review documents that may respond to your request, your request is denied because the City does not have or maintain any documents that identify such means, method and/or route. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

**5. To the extent not already provided in the response to the above requests, all writings in the City of Cadillac’s possession that relate, in any way, to the cost of extending City water services to the property that is the subject of the TeriDee Annexation Petition.**

The requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233. You have requested documents “that relate, in any way, to the cost.” That description is vague and, therefore, your request does not meet the statutory requirements. With that said, to the extent the City could reasonably search for and review documents that may respond to your request, your request is denied because the City does not have or maintain any documents that identify the cost of extending City water service to the property. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

**6. To the extent not already provided in the response to the above requests, all writings in the City of Cadillac's possession relating, in any way, to the proposed means, methods and/or route for extending City water services to the property that is the subject of the TeriDee Annexation Petition.**

The requester has an obligation to describe a public record sufficiently to enable the public body to find the public record. MCL 15.233. You have requested documents "relating, in any way, to the proposed means, methods and/or route." That description is vague and, therefore, your request does not meet the statutory requirements. With that said, to the extent the City could reasonably search for and review documents that may respond to your request, your request is denied because the City does not have or maintain any documents that identify such means, method and/or route. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

**7. All writings in the City's possession, including, without limitation, site plans, sketches, diagrams and/or narratives, illustrating or describing how TeriDee, LLC, the John F. Koetje Trust, as amended, and/or the Delia Koetje Trust, as amended, propose to develop the property that is the subject of the TeriDee Annexation Petition, if that property is annexed to the City.**

Your request is denied because the City does not have or maintain any documents that identify how the property would be developed if annexed to the City. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

**8. All writings in the City of Cadillac's possession which demonstrate the zoning district in which the City of Cadillac proposes to zone, or has considered zoning, the property that is the subject of the TeriDee Annexation Petition, if that property is annexed to the City.**

Your request is denied because the City does not have or maintain any documents that identify how the property would be zoned if annexed to the City. This letter serves as a certificate that the record does not exist in the name provided by you or another name reasonably known to the City.

The fee for your request is \$ 93.84. You have already paid \$25.00, so the balance that is due to the City is \$ 68.84. The City will release the documents to you upon receipt of that fee.

Since your request has been denied in part, you have the right to (1) submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for the reversal of the disclosure denial or (2) seek judicial review of this decision, as stated in Section 10 of the Michigan Freedom of Information Act, MCL 15.240 (see attachment). Further, you have the right to seek attorney fees as provided in Section 10 (see attachment) if the

court determines that the City has not complied with this section and orders disclosure of all or part of the public record.

Sincerely,

A handwritten signature in cursive script that reads "Chris Benson".

Chris Benson  
City of Cadillac FOIA Coordinator

26499:00002:1657655-1

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240 Options by requesting person; appeal; orders; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978;—Am. 1996, Act 553, Eff. Mar. 31, 1997.

**Popular name:** Act 442

**Popular name:** FOIA

# **EXHIBIT 27**

## INFORMATION REGARDING THE PROPOSED CLAM LAKE/HARING ACT 425 AGREEMENT

On Wednesday, May 8, 2013 at 6:00 p.m., the Township Boards of the Township of Clam Lake and the Charter Township of Haring will hold a joint public hearing on a proposed agreement for the conditional transfer of land, entered pursuant to Public Act 425 of 1984. This is commonly known as an "Act 425 Agreement." Provided below is information about the Act 425 Agreement, to help the public better understand the content of the Agreement, and to explain why the Townships desire to enter this Agreement.

**What is an Act 425 Agreement?** An Act 425 Agreement allows two units of government (in this case, Clam Lake Township and Haring Charter Township) to transfer a certain land area from one governmental unit to the other, for a period of years, subject to conditions stated in the Agreement. During the term of the Agreement, the transferred land is treated as though it is in the jurisdiction of the transferee unit. In this case, lands would be transferred from Clam Lake Township to Haring Charter Township.

**What lands will be transferred by the Clam Lake/Haring Act 425 Agreement?** A legal description of the property to be transferred (the "Transferred Area") is provided in the Act 425 Agreement, which is available in the Township office. In general terms, the Transferred Area is located to the southeast of the intersection of Highway US-131 and Highway M-55. The Transferred Area includes and extends from the Pointe East subdivision, westward to the Highway US-131 right-of-way. It includes what is commonly known as the TeriDee property.

**What conditions are included in the Clam Lake/Haring Act 425 Agreement?** The Agreement provides that the Transferred Area will remain in Haring for a period of 20 years, and then revert back to Clam Lake. During the term of the transfer, Haring Township will have jurisdiction over a variety of matters with respect to the Transferred Area, including ordinance enforcement, zoning and building regulation, assessing and taxation, voting, and other matters.

Two principal conditions of the Agreement state that (a) Haring will extend public wastewater and public water supply services to the Transferred Area, and (b) Haring will adopt planned unit development ("PUD") zoning regulations for the Transferred Area that will allow only very high-quality development on the Transferred Area, as an economic development project. The minimum PUD regulations are included in the Act 425 Agreement.

(over)

**Why are the Townships entering this Agreement?** There are two principal reasons the Township desire to enter the Act 425 Agreement:

1. The Townships intend to engage in regional cooperation with regard to the provision of utility services, and extending Haring sewer and water services to the Transferred Area is an important first step in ensuring that other portions of Clam Lake are able to obtain utility services from Haring, including the Clam Lake Downtown Development Authority District, and perhaps other Clam Lake lands. Preserving this property as the pathway for utilities to be extended from Haring to Clam Lake is essential to ensure that this can be done cost effectively.
2. Clam Lake does not have its own zoning ordinance, and so the Transferred Area is subject to County zoning, and is currently zoned in the F-R zoning district. The F-R zoning district allows a variety of commercial uses, including motels and lodging, restaurants, retail stores, kennels and other uses, but the County zoning regulations are believed to be inadequate to properly regulate this type of development at this location, where residential housing is located nearby. Haring Township, because it has its own zoning ordinance, is in the best position to develop and apply high-quality PUD development regulations to the area, to protect surrounding residential populations. The Agreement ensures that such regulations will be applied to the Transferred Area.

The Townships welcome your comments on the proposed Act 425 Agreement. All interested persons may attend the public hearing and comment on the proposed Agreement. Written comments concerning the Agreement may be submitted to either of the Township offices, up to the time of the public hearing.

# **EXHIBIT 28**

ARTICLE FOUR - ZONING DISTRICT REGULATIONS

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
<p><b>FR-FOREST/RECREATIONAL</b>                      This District is provided to promote the proper use of the county's resources and enjoyment of the natural features of the County while providing 'space for larger (10 acres +) outdoor recreational facilities, forestry and low density residential development.</p>	<ul style="list-style-type: none"> <li>A. Single family dwellings</li> <li>B. Hobby farms</li> <li>C. Tree farms</li> <li>D. Public parks and playgrounds</li> <li>E. State Licensed Residential Facility for 6 or less Persons</li> <li>F. Accessory structures</li> </ul>	<ul style="list-style-type: none"> <li>A. Mini Cabins and Cottages (10.16.2)</li> <li>B. Residential Accessory Buildings as a Principal Use (10.16.3)</li> <li>C. Gasoline Stations and Convenience Stores (10.16.4)</li> <li>D. Additional Dwelling Unit per Parcel (10.16.5)</li> <li>E. Home Occupation (10.16.6)</li> <li>F. Home Business (10.16.7)</li> <li>G. State Licensed Residential Facility for 7 or More Persons (10.16.8)</li> </ul>	<ul style="list-style-type: none"> <li>A. Campgrounds and cabin resorts</li> <li>B. Church</li> <li>C. Saw mills or other forest industry/processing</li> <li>D. Outdoor recreation facilities</li> <li>E. Private landing strips</li> <li>F. Two-family dwellings</li> <li>G. Publicly owned buildings</li> <li>H. Riding and/or boarding stables</li> <li>I. Greenhouses and nurseries</li> <li>J. Motels and lodging</li> <li>K. Restaurants</li> <li>L. Home occupations/Home professional offices</li> <li>M. Group day care</li> <li>N. Launching facilities and boat and canoe livery</li> <li>O. Retail stores selling new merchandise</li> <li>P. Pet boarding kennel</li> <li>Q. Mining, processing, stockpiling, and removal of gravel, sand, earth, and other mineral resources</li> </ul>
<p><b>C-1- LIGHT COMMERCIAL</b>                      This District is provided to establish areas in the County where general commercial and retail services are appropriate. Uses normally associated with local business and service districts will be considered in this Zone. Areas which have public sewer and water available will be given priority consideration as locations for this zone and the respective uses.                      Because of the limited public utilities available in the County, most uses in this zone will require a special use permit</p>	<ul style="list-style-type: none"> <li>A. Retail establishments, professional and business offices and restaurants with less than 2000 square feet of floor area and without outdoor storage of materials.</li> </ul>	<p>[None]</p>	<ul style="list-style-type: none"> <li>A. Retail establishments, professional and business offices and restaurants with greater than 2000 square feet of floor area, with or without outdoor storage of materials.</li> <li>B. Lodging and motels</li> <li>C. Hospitals, clinics for human care</li> <li>D. Commercial recreation facilities (indoor and outdoor)</li> <li>E. Automobile service stations.</li> <li>F. Mini storage facilities</li> </ul>

## ARTICLE 10: SPECIAL AND CONDITIONAL USES

### 10.01. Purpose

This Ordinance divides the County into districts in which specific uses are permitted that are mutually compatible. In addition, there may be certain other uses that may be appropriate to include in a district due to specific circumstances surrounding the use and the impact on neighboring uses and public facilities. Such uses, because of their particular location, or the particular nature of the service offered, may be established in a district through a Special or Conditional Use Permit.

### 10.02. Authority to Grant Permits

The Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. The Administrator has the authority to approve or disapprove Conditional Use Permits in accordance with this Ordinance. If approved by the appropriate officials, the Administrator shall issue these permits.

### 10.03. Application and Fee

Application for any special or conditional use permit permissible under the provisions of this Ordinance shall be made to the Administrator by filling in the official special and conditional use permit application form, submitting required data, exhibits, and information, and depositing the required minimum fee. The minimum fee is established from time to time by the County Board. No part of such minimum fee shall be returnable to the applicant.

- A. When the Commission receives an application that because of its complexity or nature will require more involved review so that additional fees may be required, the Commission shall act to declare that is the case. The Commission shall act by motion indicating that the application requires the assistance of experts to review specified aspects or issues of the application. Additional costs are incurred when:
1. The complexity of reviewing the application, in the judgment of the Commission, requires hiring expertise beyond that of the Commission or Administrator, such as, but not limited to, hiring the services of such advisor(s) or expert(s) as attorneys, professional planners, engineers, architects, land surveyors, environmental experts, traffic experts, marketing experts, economic development experts or other experts and advisors.
  2. The complexity of reviewing the application requires an abnormal amount of additional time by the Administrator.
  3. The complexity or controversy of the application cause the Commission being in session (holding meetings, reconvened meetings, hearings) more than twice on the application, or holding any special meeting on the application.
  4. The additional review of the application is exclusively for the proposed development, and, if not, then the additional fee shall reflect the proportional amount for the proposed development and other items.
- B. Upon adoption of the motion requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of not less than one thousand (\$1,000) dollars. The County shall deposit the additional fee with the County Treasurer who shall keep an accurate accounting of the funds. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice under Section 10.07 of this Ordinance.

*ARTICLE 10: SPECIAL AND CONDITIONAL USES*

- C. The Commission shall use the additional fee to contact and select necessary experts and advisors, receive a work proposal and estimate from the experts and advisors on their fees and costs for the application, and for the services of the experts and advisors.
- D. At the next meeting of the Commission, (or prior to the next meeting of the Commission if done by the Administrator in consultation with the Chair of the Commission), the Commission or Administrator shall:
  - 1. establish a budget for the services of the expert(s), and/or advisors, and meeting costs, and zoning administration expenses;
  - 2. send an invoice to the applicant, with an explanation that the applicant must notify the County within ten (10) days, in writing, that the applicant
    - a) will withdraw the application, or
    - b) will proceed and pay the balance of the additional fees based on the budget.
  - 3. The County shall deposit the additional fees with the County Treasurer who shall keep an accurate accounting of the funds. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice under Section 10.07 of this Ordinance.
  - 4. The Commission shall use the additional fee to pay the services of the expert(s), advisor(s), meeting costs, or other additional expenses.
- E. Any additional actual costs incurred in processing the application shall be paid before a permit is issued, and incremental payments may be required as review of the application progresses. The additional costs shall be for no more than the actual additional costs incurred (so no additional revenue is generated) to process the application. NO part of collected fees up to the actual costs shall be returned to the applicant. Any remaining monies, beyond the actual costs, upon conclusion of the application, shall be returned to the applicant.
- F. The deposit required by this Section is in addition to any security required elsewhere in this Ordinance.

**10.04. Information Required in Application**

An application for a special or conditional use permit shall include the following information:

- A. An Application form which includes, at a minimum:
  - 1. The applicant's name and address.
  - 2. A signed affidavit that the applicant is the property owner, or has an ownership interest, or is acting on the owner's behalf.
  - 3. The address and legal description of the property.
  - 4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 10.08.
  - 5. A complete description of the proposed development including: The number of lots or units; The number and characteristics of the resident and/or impacted population such as density of persons, family size, number of elderly persons and school children, effect on tourism, temporary residents and related material as applicable.
  - 6. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
  - 7. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise, and the scale of development in terms of the surrounding environment.
- B. A site plan which includes, at a minimum:
  - 1. A detailed site plan as specified in Section 11. 6 of this Ordinance.

*ARTICLE 10: SPECIAL AND CONDITIONAL USES*

2. Evidence of having received, or having an agreement for, or concurrent approval for, any other permits required pursuant to the site plan prior to issuance of a Construction Code Permit.
- C. In addition, the applicant may be required to furnish:
  1. Elevations on all buildings, including Accessory buildings.
  2. An Environmental Assessment.
  3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
  4. A detailed cost analysis of all site improvements, including, but not limited to, buildings, parking structures, landscaping or buffers, retention/detention areas, road improvements, etc.
- D. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion once the Special Use Permit is approved.

**10.05. Review for Completeness**

Upon receipt of the Special or Conditional Use Permit application, the Administrator will review the application to ensure it is complete.

- A. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.
- B. If the application is complete, the Administrator and chairman of the Commission shall establish a date to hold a public hearing on the Special Use Permit application.
- C. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which the application will be considered.

**10.06. Notice of Public Hearing for Special Uses**

- A. If the application is complete, the Administrator shall give written notice to the following persons by prepaid First Class U.S. mail not less than 15 days before the date that the application will be considered:
  1. The applicant.
  2. The owner of the property, if different.
  3. The owners of all parcels having a boundary within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, whether or not the owner and property are located in the County. For Commercial Wind Energy Systems, owners of all parcels having a boundary within thirteen-hundred twenty (1320) feet of the boundary for the lease boundary for which the approval has been requested.
  4. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, whether or not the owner or property are located in the County. For Commercial Wind Energy Systems, occupants of any structures within thirteen-hundred twenty (1320) feet of the boundary for the lease boundary for which the approval has been requested.
  5. The general public by publication in a newspaper which circulates in the County.
  6. The members of the Commission.
  7. The clerk and supervisor of the township board(s) where the property is located.
  8. The clerk and chief elected official or manager of a township(s), village(s), city(ies), and county(ies) which is within one (1) mile of where the property is located.
  9. The manager or operator of any public utility(ies) (water, sewer, storm drain), and the road agency(ies) which have infrastructure within 300 feet of the property boundary.
  10. Utility providers;
  11. Michigan Department of Transportation if within one half (½) mile of a state highway;

*ARTICLE 10: SPECIAL AND CONDITIONAL USES*

12. Michigan DEQ, if the proposed special use is on property with surface water, wetlands, sand dunes, etc.
  13. The Notice shall also be posted at the property that is subject to the special use permit application in a manner visible to passers-by.
- B. The notice shall include:
1. The nature of the Special Use Permit being requested.
  2. The property(ies) for which the request has been made.
  3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the special use. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
  4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
  5. The date, time and location of when the hearing on the application will take place.
  6. The address to which written comments should be directed prior to the hearing.
  7. For members of the Commission only, a complete copy of the special use permit application and supporting documents in the record.
- C. A township, village, city, county, utility, and road agency which receives notice pursuant to this Section of this Ordinance may choose to submit material to the Commission. Such submissions shall be delivered to the Commission at or before the hearing on the issue. Such submissions shall be considered advice to the Commission. The Commission may give extra deference to those comments as long as it does not abdicate the Commission's authority. The applicant may wish to present his application to the township, village, city, county, utility, and road agency which receives notice pursuant to this Section prior to the hearing, or prior to submitting the application to the Commission.

**10.07. Hearing and Decision for Special Use Permits**

The Commission shall hold a public hearing to receive input on the Special Use Permit application.

- A. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the Commission shall either grant, grant with conditions, or deny, the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:
1. A summary of public comments made at the hearing,
  2. Formal determination of the facts,
  3. The conclusions derived from the facts (reasons for the decision), and
  4. The decision which shall be one of the following:
    - a) grant the Special Use Permit,
    - b) grant with conditions the Special Use Permit (including a written list of all conditions upon which issuing a permit is issued or occupancy is allowed),
    - c) deny the Special Use Permit,
- B. A special or conditional use permit and site plan shall be approved simultaneously, or a special or conditional use permit may be conditionally issued prior to approval of a site plan and conditioned upon final approval of the site plan.

**10.08. Special and Conditional Use Permit Standards**

In reviewing all requests for Conditional or Special Uses, the Planning Commission or Zoning Administrator shall use the following standards:

- A. Is the use reasonable
- B. Is the use designed to protect the health, safety and welfare of the community?

*ARTICLE 10: SPECIAL AND CONDITIONAL USES*

- C. Is the use consistent with the intent and purpose of the district?
- D. Is the use compatible with adjacent land uses?
- E. Are public services and facilities capable of accommodating increased loads caused by the land use or activity?
- F. Does the use comply with other general and specific standards in Section 10.01 and 4.01 of this Ordinance if applicable, and the respective district, and general provisions Section 3.01 of this ordinance?

**10.09. Special or Conditional Use Permit Conditions**

- A. Special or Conditional Use Permits may be granted with conditions, limitations, or additional requirements imposed by the Commission. Any conditions, limitations or requirements upon which approval is based shall be:
  - 1. Reasonable and designed to protect natural resources, the health, safety, and welfare of the public;
  - 2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the adjacent area, and of the community as a whole;
  - 3. A valid exercise of the police power;
  - 4. Related to the purposes which are affected by the proposed use or activity;
  - 5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District;
  - 6. Designed to ensure compatibility with adjacent uses of land and the natural environment;
  - 7. Designed to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- B. The Planning Commission or Zoning Administrator shall have the right to limit the duration of a Special or Conditional Land use where the same is for mining or sweetening plant operation.

**10.10. Record of Special or Conditional Use Permit**

The application and all other information relating to the Special or Conditional Use Permit shall be filed in the County Zoning Administrator's office.

**10.11. Security Requirement**

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission, the Administrator, upon advice and consent of the Commission, may require
  - 1. a cash deposit,
  - 2. certified check,
  - 3. irrevocable bank letter of credit or
  - 4. surety bond, in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Wexford County Treasurer at the time of the issuance of the permit authorizing the commencement of the project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. The amount of such security shall not exceed the estimated cost of the required conditions, limitations, or requirements.

### **10.12. Amendment of Special or Conditional Use Permits**

Amendments to Special or Conditional Use Permits shall be handled in the same manner as the initial Special or Conditional Use Permit application. However, minor non-substantive changes may be made to an existing Special or Conditional Use Permit by mutual agreement between the Administrator and applicant, if done prior to the issuance of an occupancy permit.

### **10.13. Continuation of Special or Conditional Use Permit**

A Special or Conditional Use Permit, with any and all associated benefits, conditions, and required security, may be transferred to a new owner.

### **10.14. Construction Code Permit**

A Special or Conditional Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 et seq.)

### **10.15. Expiration of Special or Conditional Use Permits**

A Special or Conditional Use Permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special or Conditional Use Permit will expire on the first to occur of the following conditions:

- A. If replaced or superseded by a subsequent Special or Conditional Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests rescission of the Special or Conditional Use Permit.
- D. If the use, or component thereof, is not used for a period of one year or the use, or component thereof, is moved, or vacated. Notice of the expiration shall be given to the property owner in writing.
- E. If the special or conditional use permit was issued conditioned upon approval of a site plan and evidence of obtaining all other necessary permits, pursuant to Section 10.04.A.2 of this ordinance and the site plan or evidence was not submitted and approved after one year.

### **10.16. Special and Conditional Use Standards for Particular Uses**

In addition to general special use standards, there are specific standards for some Special and Conditional Uses. The specific standards for determining if the following types of Special or Conditional Use Permits are to be granted are provided in this Section.

#### **10.16.1. SEXUALLY ORIENTED BUSINESSES**

For sexually oriented businesses:

- A. Purpose. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial zone of the County to minimize their adverse impact to the best extent possible on any other permitted use.
- B. Conditions. In order to obtain and retain a Special Use Permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards for Special Use permits:

ARTICLE 10: SPECIAL AND CONDITIONAL USES

1. A Special Use permit must be acquired through the Special Use procedures as described in Section 10.01.
  2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as specified in the respective zoning district shall not be located within 300 feet of any other such regulated uses as defined by this Section, nor within 1,000 feet of any residentially zoned district or preexisting residential use prior to enactment of the zoning districts, school, daycare center, church, or other religious institution, public park, or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
  3. The regulated uses, as specified in the respective zoning district, shall only operate between the hours of 8 a.m. and 10 p.m.;
  4. There shall be a manager on the premises at all times;
  5. No one under the age of 18 shall be allowed onto the premises by the on-site manager of the regulated use;
  6. No alcohol shall be served on the premises.
  7. No product or service for sale or gift, or any picture or other representation, that relates in any way to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the Building of the regulated use;
  8. Once a Special Use permit has been issued for a sexually oriented business, the regulated use shall only be expanded, and/or otherwise amended, in the manner required by Section 10.01 of this Ordinance;
  9. A Special Use Permit for a sexually oriented business is subject to the terms and conditions of validity set forth in Section 10.01 of this Ordinance.
  10. Signs: It shall be unlawful to erect, construct, or maintain any sign for an adult sexually oriented business other than one "primary sign" and one "secondary sign" as follows:
    - a) The primary sign shall have no more than two (2) display surfaces. In addition to the requirements found in Section 3.19 of this Ordinance, Each display surface shall:
      - (1) Not contain any flashing lights, moving parts or be constructed to simulate movement.
      - (2) Be a flat plane rectangular in shape.
    - b) Secondary signs shall have only one (1) display surface. Such display surface shall:
      - (1) Not contain any flashing lights, moving parts, or be constructed to simulate movement.
      - (2) Be a flat plane, rectangular in shape.
  11. Building Exterior: Buildings and structures shall not be painted or surfaced with colors or textures or any design that would simulate a sign or advertising message. Upon order of the Administrator, graffiti appearing on any exterior surface of the Building or structure shall be removed and that surface restored within seventy-two (72) hours of notification of the owner or person in charge of the premises.
  12. Lighting: All adult or sexually-oriented businesses shall be required to install outdoor low intensity lighting that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures which do not exceed sixteen (16) feet in height from finished grade. The lighting shall be adjusted and shielded to direct, focus, and point all illumination from the lighting onto the parking and vehicular area, and to avoid any spillage of illumination onto surrounding properties in accordance with Section 3.33 of this Ordinance.
- C. Exceptions to Conditions. The Commission may waive the foregoing spacing requirements found in B(2) of this section if it finds all of the following conditions exist:

## ARTICLE 10: SPECIAL AND CONDITIONAL USES

1. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;
3. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
4. Where all other applicable regulations within the County Zoning Ordinance or other pertinent County ordinances will be observed.

### 10.16.2: MINI-CABINS AND COTTAGES

One Mini-cabin or cottage per parcel shall be permitted as a conditional use in certain districts upon meeting the following conditions, in addition to all other standards for Special or Conditional Use permits:

- A. Must be setback at least one-hundred (100) feet from all property lines,
- B. Must be placed on a permanent foundation,
- C. Must contain a minimum of four-hundred fifty (450) square feet of living area per unit,
- D. Must meet sanitation standards of the local health department,

### 10.16.3: RESIDENTIAL ACCESSORY BUILDINGS AS A PRINCIPAL USE

Residential accessory buildings without a principal dwelling shall be permitted as a conditional use in certain districts upon meeting the following conditions, in addition to all other standards for Special or Conditional Use permits:

- F. Must be setback at least one-hundred (100) feet from all property lines,
- E. Maximum allowable building size is fifteen-hundred (1,500) square feet,
- F. Must be screened from view of neighboring properties by means of a natural or man-made buffer meeting the requirements of Section 3.8 of this Ordinance.

### 10.16.4: GASOLINE STATIONS AND/OR CONVENIENCE STORES

Gasoline Stations and Convenience Stores shall meet the following standards, in addition to all other standards in this ordinance:

- A. Gasoline Stations and Convenience Stores in non-commercial districts may only be permitted along major roadways, including State or Federal Highways, County Primary Roads, and major city streets and must be located around unincorporated population centers (i.e.: Boon, Meauwataka, Hoxeyville, Sherman, Yuma, etc.) .
- B. Gasoline Stations in non-commercial districts shall be limited to a total of six (6) gasoline or diesel pumps. A pump shall be one unit regardless of the number of hoses.
- C. The hours of operation may be restricted by the Planning Commission by Special Use Permit.
- D. The Planning Commission may relax any of the requirements found in A-C above by Special Use Permit in instances where the requirements are found to be unnecessarily burdensome.

### 10.16.5: ADDITIONAL DWELLING UNITS ON A PARCEL

Additional dwelling units on a parcel shall meet the following standards, in addition to all other standards in this Ordinance:

- A. Not more than one (1) one-family dwelling meeting the minimum district dwelling requirements shall be permitted in addition to the primary dwelling on the same parcel in a zoning district zoned

for residential use, provided however that the minimum lot size is at least two (2) times the district minimum lot size per Article 5 of this Ordinance.

- B. Property owners must prepare a site plan for the parcel depicting the theoretical property lines for the individual lots in compliance with the district lot dimensional requirements in Article 5 of this Ordinance. The site plan shall also be prepared in accordance with the Land Division Act, and shall locate the additional dwelling(s) as if the property were divided into individual lots. In locating the additional dwelling(s), the site plan shall ensure compliance with the dimensional requirements of Article 5 for the Zoning District in which the property is located. The site plan shall be approved by the Zoning Administrator prior to issuance of a Zoning Permit. No such plan shall be approved unless the Zoning Administrator determines compliance with district lot dimensional requirements in Article 5 of this Ordinance.
- C. Additional dwellings are encouraged to share driveway access with the primary dwelling; however, if an additional driveway access is requested, the property owner, notwithstanding any provisions to the contrary contained in this Ordinance, shall receive approval of the additional driveway location and cross-section specifications from the County Road Commission if the additional driveway will connect to a County road or to a private street, or from the Michigan Department of Transportation if the additional driveway will connect to a State Highway. Additional driveways shall be approved by the appropriate road agency prior to receiving approval by the Zoning Administrator.
- D. Regardless of whether access is shared or separate, the property owner must obtain an address for any additional dwelling.
- E. This section is not applicable to any land within a platted subdivision.
- F. Travel trailers, motor homes, or recreational vehicles are not allowed to be used as accessory dwellings.
- G. No short-term rentals (for periods less than one month) of additional dwellings on a parcel are allowed.

# **EXHIBIT 29**

**PROJECTION OF PROPERTY TAXES  
PAYABLE BY PROPOSED TERIDEE, LLC DEVELOPMENT  
(CITY OF CADILLAC VS. HARING CHARTER TOWNSHIP)**

**Based on Projections of Taxable Value by TeriDee, LLC<sup>1</sup>**

Years	True Cash Value TeriDee, LLC Investment	Taxable Value	2013 City Millage Rate	Property Taxes Payable on City Millage	2013 Haring Township Millage Rate	Property Taxes Payable on Township Millage
1	\$ 7,000,000	\$ 3,500,000	17.0473	\$ 59,666	2.0	\$ 7,000
2	7,000,000	3,500,000	17.0473	59,666	2.0	7,000
3	7,000,000	3,500,000	17.0473	59,666	2.0	7,000
4	7,000,000	3,500,000	17.0473	59,666	2.0	7,000
5	28,000,000	14,000,000	17.0473	238,662	2.0	28,000
6	28,000,000	14,000,000	17.0473	238,662	2.0	28,000
7	28,000,000	14,000,000	17.0473	238,662	2.0	28,000
8	28,000,000	14,000,000	17.0473	238,662	2.0	28,000
9	28,000,000	14,000,000	17.0473	238,662	2.0	28,000
10	40,000,000	20,000,000	17.0473	340,946	2.0	40,000
Total				\$ 1,772,920		\$ 208,000

**Notes:**

<sup>1</sup> October 29-30, 2011 *Cadillac Evening News* ad.

# **EXHIBIT 30**

# COMPARISON OF INFRASTRUCTURE CAPITAL COST AND PROPERTY TAXES

## Proposed TeriDee, LLC Development

	<u>City of Cadillac<sup>1</sup></u>	<u>Haring Charter Township<sup>2</sup></u>
Property Taxes (10 years) <sup>3</sup>	\$ 1,772,920 <sup>4</sup>	\$ 208,000 <sup>5</sup>
Public Water Extension	\$ 525,000 <sup>6</sup>	\$ 1,182,000 <sup>7</sup>
Public Sewer Extension	\$ 512,500 <sup>6</sup>	\$ 1,257,000 <sup>7</sup>
	<u>\$2,810,420</u>	<u>\$2,647,000</u>

### Notes:

<sup>1</sup> Assumes annexation of TeriDee, LLC property by City of Cadillac.

<sup>2</sup> Assumes conditional transfer of TeriDee, LLC property to Haring Charter Township in accordance with Act 425 PA 1984.

<sup>3</sup> Based on projections of Taxable Value made by TeriDee, LLC in October 29-30, 2011 *Cadillac Evening News* ad.

<sup>4</sup> Based on total 2013 City levy of 17.0473 mills.

<sup>5</sup> Based on projected 2013 total Haring Township levy of 2.0 mills.

<sup>6</sup> Based on estimate of cost dated February 8, 2012 prepared by Exxel Engineering, Inc.

<sup>7</sup> Based on estimate of cost dated September 16, 2013, prepared by Gosling Czubak.

# **EXHIBIT 31**

# Cadillac Junction

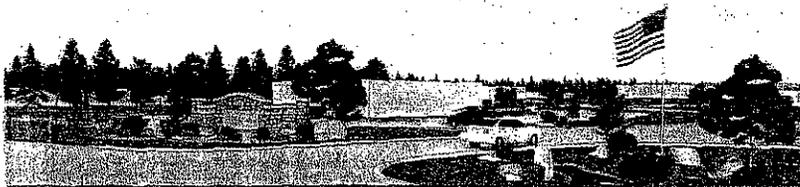
We are asking for you to voice your support for our project. Contact the Clam Lake Township Board members today, and let your voice be heard!

The Clam Lake Township Hall is located at:  
8809 E. M-15, Cadillac, Michigan 49601. Telephone: 231-775-5404. Fax: 231-779-1225

**Board Members and their email addresses:**

Dale Rosser, *Supervisor*      Delores Peterson, *Clerk*      Larry Payne, *Treasurer*  
drosser@charter.net      dclores.peterson493@gmail.com      payne.clamlake@gmail.com

Dave Mackey, *Board Member*      Jim Houston, *Board Member*  
dmackey@wmisd.org      jhouston.1604@charter.net



## We are ready to build and bring JOBS to Cadillac now!

The action most recently taken by Clam Lake and Haring Townships could potentially delay our project several years. CLAM LAKE TOWNSHIP GAVE UP HUNDREDS OF THOUSANDS OF DOLLARS IN CURRENT SEV TAX BASE. CLAM LAKE TOWNSHIP IS TYPICALLY RESPONSIBLE FOR ALL LEGAL EXPENSES FOR BOTH TOWNSHIPS (HARING AND CLAM LAKE) WHICH COULD BE VERY COSTLY TO ALL RESIDENTS OF CLAM LAKE - in return for the mere possibility that Haring Township might be able to provide services from a sewer system that is without financing or completed plans and not under construction. CITY OF CADILLAC ALREADY HAS A SEWER SYSTEM - do we need tax dollars spent on duplication? Is this the wisest use of tax payer money? Should we spend our

tax dollars on legal fees? Michigan Governor Rick Snyder is encouraging neighboring units of government to work together! Governor Rick Snyder has created an incentive program to help, Snyder has vowed to return part of the sales tax revenues usually disbursed back to cities and townships if units of government don't meet benchmarks. The goal of all these cooperative efforts is to have units of government work together to lower costs, benefit taxpayers, and to make tax dollars stretch further.

We need to have our government officials work and do what is right for ALL taxpayers - not just a few "not in my back yard" residents, 90% of Cadillac Junction will be set back almost 2 football fields south of M-55 and 1/2 mile wooded buffer from residents on the East side of

development. We are asking for your support in our efforts to provide JOBS, new services and amenities, along with providing additional funds to our community. PLEASE CALL, WRITE, AND EMAIL YOUR LOCAL TOWNSHIP OFFICIALS - TELL THEM THAT CADILLAC NEEDS JOBS NOW THROUGH THE DEVELOPMENT OF THE BUSIEST CADILLAC INTERCHANGE. WE NEED THEM TO DO THE RIGHT THING NOW FOR CADILLAC REGION.

Thank you,  
Jim VanderLauri      John F. Koelke  
TeriDee LLC      TeriDee LLC

### Real Estate Tax Analysis

Developed as proposed: Highway Commercial Zoning

- Total Site: 80 Acres
- Proposed Site Plan: 579,870 SF of building
- Projected fully improved land value: \$7,000,000
- Projected fully built-out construction: \$33,000,000
- Total projected commercial value: \$40,000,000

Non-homestead proposed annexation assumptions:

- Year 1: 100,000 SF developed \$7,000,000
- Year 5: 400,000 SF developed \$28,000,000
- Year 10: 579,780 SF developed \$40,000,000
- 3% rate of inflation/property value increase

Tax		1	5	10
School Debt Retirement	2.9	\$10,150	\$40,600	\$68,000
School Operating	18.6	\$63,000	\$262,000	\$460,000
State School Ed Tax	8.0	\$21,000	\$84,000	\$120,000
County Allocation	6.7797	\$23,730	\$94,915	\$135,594
County Extra Voted	1.45	\$5,075	\$20,300	\$39,000
Intermediate School District	5.9419	\$20,797	\$83,187	\$118,840
Westland Transit	0.6	\$2,100	\$8,400	\$12,600
Senior Citizen	0.9376	\$3,482	\$13,960	\$19,950
Library	0.6785	\$2,825	\$10,600	\$15,600
City Operating	13.8473	\$48,816	\$195,263	\$278,950
P&F Retirement	2.8	\$9,100	\$36,400	\$52,000
<b>TOTAL PER YEAR</b>		<b>\$209,885</b>	<b>\$830,528</b>	<b>\$1,209,294</b>

The information contained herein has been given to us by the owner of the property or other source. We do not warrant, we have no reason to doubt its accuracy, but we do not guarantee it. An audit should be verified prior to purchase or resale.

- JOBS, JOBS, JOBS - We know we can deliver JOBS to the Cadillac area NOW (850-1000 JOBS).
- Self contained, professionally landscaped, single boulevard main entrance. There will not be a mass of driveways and signs. Maintain green spacing - 90% of proposed conceptual development will be set back 175 yards or more from M-55.
- Bus depot at the end of the boulevard / middle of development for CWTA bus/trolley stop/pickup to take and return shoppers, conference and convention attendees to and from downtown. Along with door to door pickup and drop off.
- No cost to taxpayers - TeriDee is hearing all the infrastructure cost. No tax reductions or credits are being requested by TeriDee LLC, developer.
- This development will be a destination of the region.
- New services and amenities to our Community drawing and keeping shopping dollars in Cadillac rather than Traverse City or Grand Rapids.
- Provide additional funds to our community (see tax table)



## TeriDee, LLC

80, Box 927, Lake City, MI 49651  
Phone: 231.839.2548 Fax: 231.839.3364  
cadillacjunction@gmail.com

# **EXHIBIT 32**

**STATE OF MICHIGAN**  
**DEPARTMENT OF LICENSING & REGULATORY AFFAIRS**  
**STATE BOUNDARY COMMISSION**

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In the Matter of the Petition to Annex  
Territory in Clam Lake Township  
to the City of Cadillac, Wexford County

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Docket No. 13-AP-2

**AFFIDAVIT OF MARLENE WHETSTONE**

Marlene Whetstone, being sworn, says that:

1. I am the Township Assessor for Clam Lake Township. I make this affidavit based upon my personal knowledge, and if sworn as a witness I am competent to testify to the truth of the averments contained in this affidavit.

2. I am familiar with the Haring Charter Township-Clam Lake Township Act 425 Agreement, and I directly participated in the process of its drafting and consideration by the Township Boards of those two Townships. During that process, the Townships considered the transfer of jurisdiction over property taxes and assessments in their evaluation of the Act 425 Agreement and concluded that the additional tax revenue to be received by Haring was reasonably proportional to the additional costs Haring would incur as a result of taking responsibility for the Transferred Area. The Townships further considered that the Act 425 Agreement would be beneficial to the taxpayers within the Transferred area, because their local tax rate would decrease from 2.8115 mills (Clam Lake's 2013 rate) to 2.0 mills (Haring's 2013 rate).

3. Under the Haring-Clam Lake Act 425 Agreement there is a complete transfer of jurisdiction over special assessments and property tax assessments and collection of special assessments and taxes from Clam Lake to Haring.



**STATE OF MICHIGAN**  
**DEPARTMENT OF LICENSING & REGULATORY AFFAIRS**  
**STATE BOUNDARY COMMISSION**

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In the Matter of the Petition  
for Annexation of Territory  
in Clam Lake Township to the  
City of Cadillac in Wexford County

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Docket No. 13-AP-2

**AFFIDAVIT OF SHARON ZAKRAJSEK**

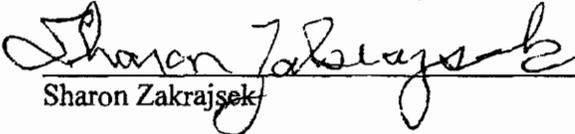
I, Sharon Zakrajsek, being sworn, says that:

1. I am the Township Assessor for Haring Charter Township. I make this affidavit based upon my personal knowledge, and if sworn as a witness I am competent to testify to the truth of the averments contained in this affidavit.
2. I am familiar with the Haring Charter Township-Clam Lake Township Act 425 Agreement that was approved on May 8, 2013.
3. Under the Haring-Clam Lake Act 425 Agreement there is a complete transfer of jurisdiction over special assessments and property tax assessments and collection of special assessments and taxes from Clam Lake to Haring.
4. Clam Lake transferred to Haring the entire taxing and assessing jurisdiction over all 99 parcels in the Transferred Area, having an assessed value of \$3,577,100 and a taxable value of \$2,599,659. All property tax records for the Transferred Area have been transferred from Clam Lake to Haring.

5. All property taxpayers in the Transferred Area have or will receive notices of a change in assessment, removing them from the Clam Lake tax assessment roll and adding them to the Haring Township tax assessment roll.

6. Under the Haring-Clam Lake Act 425 Agreement, Clam Lake will collect approximately \$2,109.62 less per year in annual property taxes, and Haring will collect approximately \$2,109.62 more per year in annual property taxes, based upon 2013 taxable values in the Transferred Area.

7. The Transferred Area will be part of Haring on December 31, 2013 (tax day), and 2014 property tax assessments and taxes for the Transferred Area will be established, levied and collected by Haring as required by law.

  
Sharon Zakrajsek

STATE OF MICHIGAN            )  
  ) ss  
COUNTY OF WEXFORD        )

Subscribed and sworn to by Sharon Zakrajsek before me this 11<sup>th</sup> day of November, 2013, in Wexford County, Michigan.

  
DELORES PETERSON, Notary Public  
Wexford County, Michigan  
Acting in Wexford County, Michigan  
My Commission Expires: 4/19/2018

# **EXHIBIT 33**

# CLAM LAKE TOWNSHIP

8809 E. M-115  
Cadillac, MI 49601

231-775-5401  
Fax 231-779-1225

June 19, 2013

Dear Resident:

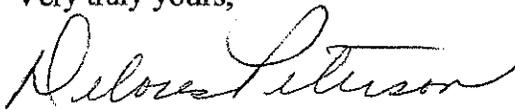
As you may have seen and heard, the Township of Clam Lake has entered an agreement with Haring Charter Township, providing for the conditional transfer of certain property from the jurisdiction of Clam Lake to the jurisdiction of Haring. This type of agreement is commonly known as an "Act 425 Agreement." The Act 425 Agreement was approved by both Townships on May 8, 2013, and became effective June 10, 2013.

Our records indicate that you are a resident of the property that was transferred to Haring Charter Township under the terms of the Act 425 Agreement. Accordingly, effective June 10, 2013, you became a resident of Haring Charter Township, and are no longer a resident of Clam Lake Township.

As a result of this change in residency, you and all other residents of the transferred property will now vote in Haring Charter Township. You will be receiving a new voter registration card from Haring Charter Township in the near future, reflecting this change in your voter status.

If you have any questions regarding this information, please feel free to call the Township office, and we will be pleased to provide further explanation.

Very truly yours,



Delores Peterson,  
Township Clerk

**STATE OF MICHIGAN**  
**DEPARTMENT OF LICENSING & REGULATORY AFFAIRS**  
**STATE BOUNDARY COMMISSION**

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In the Matter of the Petition to Annex  
Territory in Clam Lake Township  
to the City of Cadillac, Wexford County

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Docket No. 13-AP-2

**AFFIDAVIT OF MARIA LYNN NIXON**

I, Maria Lynn Nixon, being sworn, say that:

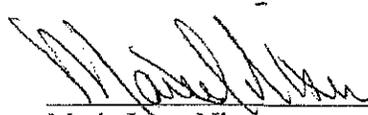
1. I am the Deputy Clerk for Haring Charter Township. I make this affidavit based upon my personal knowledge, and if sworn as a witness I am competent to testify to the truth of the averments contained in this affidavit.

2. I am familiar with the June 10, 2013 Act 425 Agreement between Haring Charter Township and Clam Lake Township, through which the Transferred Area was transferred from the jurisdiction of Clam Lake Township to the jurisdiction of Haring Charter Township, for all purposes.

3. On July 11, 2013, I printed and mailed new voter identification cards to the 102 registered electors that reside in the Transferred Area, notifying these residents that they were registered electors of Haring Charter Township for all purposes.

4. These same residents were eligible to vote as Haring Charter Township residents at the August 6, 2013 election, and some of them did vote as Haring Charter Township residents at that election.

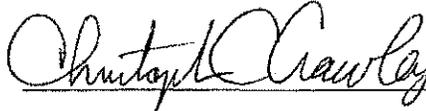
[signature on next page]



\_\_\_\_\_  
Maria Lynn Nixon

STATE OF MICHIGAN     )  
                                  ) ss  
COUNTY OF WEXFORD    )

Subscribed and sworn to by Maria Lynn Nixon before me this 12<sup>th</sup> day of November, 2013,  
in Wexford County, Michigan.



\_\_\_\_\_  
Notary Public

Wexford

County, Michigan

Acting in Wexford County, Michigan

My Commission Expires: 2/18/14

# **EXHIBIT 34**

**STATE OF MICHIGAN**

**DEPARTMENT OF CONSUMER & INDUSTRY SERVICES**

**BEFORE THE STATE BOUNDARY COMMISSION**

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In the matter of:

**Boundary Commission  
Docket #96-AP-10**

**The proposed annexation of  
territory in Casco and Columbus Townships  
to the City of Richmond.**

---

**SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER**

This matter of proposed annexation of the following territory situated in Casco and Columbus Townships to the City of Richmond and described as follows:

Part of Columbus Township, Town 5 North, Range 15 East and part of Casco Township, Town 4 North, Range 15 East, St. Clair County, Michigan, described as beginning at the southwest corner of fractional Section 31, Columbus Township, St. Clair County, Michigan, thence N.00°00'20"E. 1602.00 ft. along the west section line 31; thence N. 88°47'00"E. 2299.37 ft. to the north-south 1/4 line of Section 31; thence S.00°27'09"E. 807.06 ft., along the north-south 1/4 line; thence S.89°32'00"W. 792.00 ft.; thence S.00°27'09"E. 825.00 ft., to a point on the south line Section 31, which is the centerline of Division Road; thence N.89°07'17"E. 792.13 ft. to the north 1/4 corner of Section 6, along the centerline of Division Rd., the south line of Section 31; thence N.88°53'17"E. 365.83 ft. to the centerline of Gratiot Rd.; thence S.32°02'47"W. 1537.37 ft., along the centerline of Gratiot Road; thence S.87°30'40"W. 631.41 ft.; thence S.00°36'15"E. 379.60 ft.; thence N.88°33'03"E. 379.72 ft. to the centerline of Gratiot Road; thence S.32°55'30"W. 310.00 ft. along the centerline of Gratiot Road; thence N.89°23'45"W. 210.80 ft.; thence S.89°37'23"W. 1215.70 ft. to the west line of Section 6; thence N.00°35'12"W. 1934.98 ft. along the west line of Section 6 to the point of beginning. Containing 157.49 acres, more or less.

**SUMMARY OF PROCEEDINGS**

- A. On July 24, 1996, a petition was filed requesting the annexation of certain territory in Casco and Columbus Townships to the City of Richmond.

- B. On August 8, 1996, an adjudicative meeting was held to determine legal sufficiency and the petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public act 279 of 1909, as amended.
- C. On February 24, 1997, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968 as amended.
- D. On June 12, 1997, an adjudicative meeting was held during which a public hearing was scheduled to rehear testimony given on February 24, 1997.
- E. On July 22, 1997, a public hearing was held to hear testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said meeting was published and mailed pursuant to Section 8 of Public Act 191 of 1968, as amended.
- F. On September 17, 1997, an adjudicative meeting was held to consider the docket and render a decision.

### **INFORMATION FROM THE RECORD**

- 1. The petitioners have requested annexation because they desire water and sewer to service industrial and commercial projects.
- 2. The record indicated:
  - the Casco Township territory has a population of 4, and is comprised of 86.91 acres zoned commercial,
  - the Columbus Township territory has a population of 0, and is comprised of 69.56 acres zoned industrial.
- 3. The City reported:
  - the annexation is supported by the Richmond City Council, Planning Commission, and Economic Development Corporation,
  - water and sewer lines exist directly adjacent to the proposed area and all services are available at no increased cost to the City.
- 4. Casco and Columbus Townships reported:
  - Township officials are opposed to the annexation,
  - they do not provide sewer or water service.
- 5. The record indicated that:
  - The Casco Township territory proposed for annexation is included in the territory described in an agreement under Public Act 425 of 1984 between Casco and Lenox Townships. The

agreement was filed with the Department of State on January 10, 1996.

- The Columbus Township territory proposed for annexation is included in the territory described in an Act 425 Agreement between Columbus and Lenox Townships. The agreement was filed with the Department of State on November 7, 1995.
- The Act 425 Agreements state that water and sewer service will be provided to the Act 425 area through Lenox Township.

6. The Townships maintain that the Commission does not have jurisdiction to annex based on Section 9 of P.A. 425 of 1984.

7. The petitioners stated:

- that the doctrine of collateral estoppel requires the Commission to find that the Act 425 Agreements between Casco, Columbus, and Lenox Townships do not bar the Commission's jurisdiction.
- that the Act 425 Agreements are not valid because the Agreements fail to comply with the letter and intent of the Act.

8. The petitioners stated:

- their documentation shows that City of Detroit sewer services are not available to the proposed area through Lenox Township.
- if sewer service did become available through the Townships the cost would be prohibitive,
- the property cannot be developed without these services.

9. The record indicated:

- The Gratiot water main from 27 Mile to 29 Mile in Lenox Township is ready for customers to tap-in. The pipe is in the ground from 29 Mile to 31 Mile in Lenox Township and will be ready for customers to tap-in November, 1997.
- The water pipe is within 200 feet of the 425 area in Casco Township and 1200 feet of the 425 area in Columbus Township.
- Provision of water service to Columbus Township is scheduled for Fall of 1998.
- The nearest sewer lines to serve the proposed area in Casco Township are 5 to 6 miles away.
- The nearest sewer lines to serve the proposed area in Columbus Township are 6 to 7 miles away.
- There is no schedule for provision of sewer service because they are not certain of a date.

10. Columbus Township reported:

- Columbus Township is assessing and levying taxes for the 425 area, which are paid to Lenox Township.
- Columbus Township also pays ½ mill of their general operating tax revenue to Lenox Township.
- These taxes are for fire service, roads, and library service.
- Tap-in fees will cover the cost of laying the water lines based on the front footage.

- No taxes have been collected for water or sewer service.

11. Casco Township stated:

- if the annexation is approved the Township will lose the opportunity to provide water and sewer services through the 425 Agreement to this large portion of their commercial area.
- it will not be beneficial to rezone other areas for commercial use because there is no other area with the potential for providing water and sewer service.

12. Columbus Township stated:

- the annexation would remove a substantial amount of industrial zoned property and require the rezoning of property from agricultural to industrial.
- the annexation would greatly hinder the Township's future development and future tax base.

### **THE COMMISSION FINDS THAT**

1. The findings of the Commission on docket #95-AR-3, in which the Commission ruled that the Act 425 Agreement between Richmond Township and Lenox Township did not bar the Commission from considering the merits of the annexation, do not require invoking the doctrine of collateral estoppel regarding review of the Act 425 Agreements between Casco and Columbus Townships with Lenox Township.
2. Lenox Township does not provide water service outside its corporate boundary at this time.
3. P.A. 425 of 1984 permits the transfer of land from one jurisdiction to another for the purpose of economic development, housing, and environmental protection. The Commission does not agree with the Townships' suggestion that Section 9 of the statute restricts the Commission from exercising its authority under the annexation and Boundary Commission laws. Their assertion removes the provision from the context of the statute, intent of the legislature, and the purpose of the statute.
4. The Act 425 Agreements with Lenox Township provide for the provision of municipal services. Other statutes also allow agreements for provision of services. The fact that the agreements between Lenox Township and Casco and Columbus Townships are under Act 425 is pertinent because Section 9 states, "While a contract under this act is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the contract".
5. The words "another method of annexation or transfer" imply that an annexation or transfer of land has been made under the act. To make all the provisions of the act operational, a transfer of land from one jurisdiction to another, under this agreement, must have taken place. In the absence of such a transfer, the Commission's authority to determine the reasonableness

of a proposal for annexing land within a 425 area is not restricted.

6. A transfer of land has not occurred in this case. The parties did not provide evidence of such transfer, which minimally could have included a showing of a transfer to Lenox Township of property tax records and voting records of any residents in the Act 425 area.
7. Therefore, the agreements between Casco, Columbus, and Lenox Townships do not preclude the Commission from acting on this matter.
8. The City is able to provide water and sewer services more cost effectively. It is most prudent to use the City's lines which are in close proximity, rather than installing duplicate and parallel systems.
9. The proposed use of the land is commercial and industrial whether the land remains in the Township or is annexed to the City. The more compact the development in the immediate area of the City of Richmond, the more efficient use of existing infrastructure will be. More compact development tied to existing infrastructure will also lessen the pressure for conversion of farmland to nonagricultural uses. Numerous witnesses stated that preservation of farmland and open space in the region was a common goal.
10. The boundary configuration is not regular, but this should not be the prevailing consideration in this case.

### **IN CONCLUSION, THE COMMISSION FINDS THAT**

1. The Commission has considered the record of this docket in accordance with the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On September 17, 1997, State Boundary Commissioners Rutledge, VerBurg, and Walker and County Boundary Commissioner Koski held an adjudicative meeting during which:
  - Commissioners Koski, Rutledge, VerBurg, and Walker voted that The Act 425 Agreements Casco and Columbus Townships entered into with Lenox Township do not preclude the Commission's consideration of the merits of the petition,
  - Commissioners Koski, VerBurg, and Walker voted to annex the subject territory as petitioned and described herein,
  - Commissioner Rutledge voted nay because taking this sizeable commercial area from the Township would hurt the Township's opportunity to have commercial development, and
  - the staff was directed to prepare draft Findings of Fact and Order.
3. On November 25, 1997, Commissioners Koski, Rutledge, and VerBurg held an adjudicative

meeting during which:

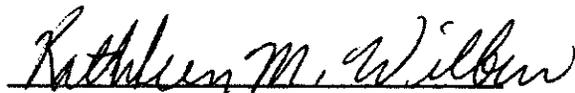
- the draft Findings of Fact and Order was reviewed, and
- the Commission voted to adopt the Findings of Fact as amended and to recommend that the Director of the Department of Consumer and Industry Services sign the Order.

**ORDER**

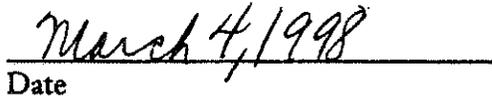
**DOCKET #96-AP-10**

IT IS ORDERED THAT, these Findings of Fact and Order, approving the annexation of the described subject territory in Casco and Columbus Townships to the Home Rule City of Richmond, shall be effective on the date the Director of the Department of Consumer and Industry Services signs the order.

IT IS FURTHER ORDERED THAT, the Executive Director shall forthwith transmit a certified copy of the Findings of Fact and Order to the petitioners, the Casco Township Clerk, the Columbus Township Clerk, the City of Richmond Clerk, the Macomb County Clerk, The St. Clair County Clerk, and the Secretary of State.



Kathleen M. Wilbur, Director  
Department of Consumer and Industry Services



Date

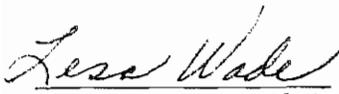
# **EXHIBIT 35**

CLAM LAKE TOWNSHIP  
8809 E. M-115  
CADILLAC MI 49601

approved

SPECIAL MEETING  
April 30, 2013  
6:00 P.M.

- i. Special meeting was called to order by Supervisor Rosser Meeting was properly noticed and posted in compliance with the State of Michigan Open Meetings Act, P.A. 267 of 1976, as amended. The purpose of the meeting was to discuss sewer and a potential 425 agreement with Haring Township.
- ii. Members present: Rosser, Payne Houston & Peterson. Absent: Mackey  
Others present: Attorney Ron Redick, & Jim White, M. Whetstone, S. Zakrajsek, Haring Twp. board members, and other residents.
- iii. Meeting was opened with the pledge to the American flag.
- iv. Motion by Houston, seconded by Payne, to authorize Twp. legal counsel to prepare an Act 425 Agreement with Haring Twp. and to take all steps necessary to implement and, if necessary to defend the agreement in administrative or legal proceedings, and to waive any conflict of interest that might be presented by the joint representation of Haring and Clam Lake in this matter. All in favor, Carried
- v. The meeting was opened to a question and answer period in which numerous factors considered, but not limited to were the following: a) density and composition of population; b) land area use; c) topography and natural boundaries; d) assessed valuation; e) drainage & soil erosion; f) both proposed & possible future commercial and industrial development and growth; g) residential development and growth; h) the need for organized community services, the future need of those services and the ability to provide those services; i) the practical effect of transferring property from one township to another including the impact on taxes and tax rates in relationship to the benefits expected to accrue from the transfer; j) the general effect upon local units involved and the relationship of such an agreement to established city, village, township, county or regional land use plans.
- vi. Motion by Houston, seconded by Payne, to move ahead with Haring Twp. with the potential Act 425 Agreement All in favor, Carried
- vii. Motion by Houston, seconded by Peterson, to adjourn. Meeting adjourned at 7:55.

  
Les a Wade, Deputy Clerk

# **EXHIBIT 36**

Charter Township of Haring  
515 Bell Ave.  
Cadillac, MI 49601  
231-775-8822  
Special Meeting May 1, 2013 5:00 P.M.

Scarbrough called meeting to order at 6:03 P.M.

Pledge

Roll Call:

Members Present: Scarbrough, Baldwin, Soule, McCain, Whetstone

Members Absent: Wilkinson, Fagerman

Public Comment: none

New Business

1. Closed session: to discuss attorney client privileged information.

Scarbrough made a motion to recess regular meeting to go into closed session at 5:07 P.M.

Whetstone supported

Upon Roll Call Vote motion carried unanimously

Planning commission met and discussed 425 agreements with Clam Lake.

Regular meeting reconvened at 5:27 P.M.

Haring Township Planning Commission members and Haring Township Board members along with Ron Redick township attorney addressed several questions and items in the Conditional Transfer agreement with Clam Lake and Haring Township. Items discussed were as follows...

Density and composition of population; Land area and uses; Topography and natural boundaries; Assessed valuation; Drainage and soil erosion; Both proposed and possible future commercial and industrial development and growth; Residential development and growth; The need for organized community services; the present cost and adequacy of governmental services, the future need of those services and the ability to provide those services; The practical effect of transferring property from one to another including the impact on taxes and tax rates in relation to the benefits expected to accrue from the transfer; The general effect upon local units involved and the relationship of such an agreement to establish city, village, township, county or regional land use plans.

Whetstone made a motion to approve the 425 agreement between Clam Lake and Haring Township for consideration at the public hearing scheduled and posted for Wednesday May 8, 2013 at 6:00 P.M. at Clam Lake Township.

Baldwin supported

All in Favor unanimously

Whetstone made a motion to adjourn at 6:41 P.M.

Baldwin supported

All in Favor unanimously

  
Kirk Soule, Clerk

5-13-13  
Date

  
Robert Scarbrough, Supervisor

5/13/13  
Date

# **EXHIBIT 37**

MDOT - Bureau of Transportation Planning  
Annual Average Daily Traffic Report

10/29/2013  
Page 1 of 2

Selection Criteria: Year between 2012 and 2013, County= Wexford

From	To	Section #	CS #	BMP	EMP	AADT	CAADT	DHV%	DF	Count	Class
<b>Year 2012</b>											
<b>Route US - 131</b>											
MARION RD (20 MILE RD)	JCT M-115	947	83031	0.00	3.26	12179	1295	15.0	55		
JCT M-115	S JCT US-131 BR CADILLAC	970	83031	3.26	4.55	11005	596	9.0	57		
S JCT. US-131 BR CADILLAC	N JCT. M-55	980	83033	0.00	2.88	8755	596	9.0	53		
JCT M-55	N JCT US-131 BR (BOON RD)	990	83033	2.86	5.19	7691	586	10.0	55		
N JCT US-131BR (BOON RD)	JCT M-42	1000	83033	5.19	14.11	6634	586	13.0	60		
JCT M-42	END FWY @ US-131 BR	1030	83033	14.11	18.77	6198	596	13.0	60		
END FWY @US-131 BR	WEXFORD/GRAND TRAVERSE CO LINE	1040	83033	18.79	21.59	8919	908	13.0	60		
<b>Route M - 37</b>											
S CO L (LAKE/WEXFORD)	JCT M-55	590	83011	0.00	4.08	1759	146	17.0	55		
JCT M-55	W 28 ROAD	600	83012	0.00	7.96	1208	189	18.0	55	Y	
W 28 ROAD	WCL MESICK	610	83012	7.96	13.93	2338	189	18.0	55	Y	
WCL MESICK	S JCT M-115	620	83012	13.93	14.71	4571	189	17.0	55	Y	
S JCT M-115	EUGENE ST	630	83012	14.71	14.97	5111	250	12.0	55		
EUGENE ST	CLARK ST. ECL MESICK	640	83012	14.97	15.27	8688	250	12.0	55		
CLARK ST. ECL MESICK	N JCT M-115	650	83012	15.27	15.78	4685	250	13.0	55		
N JCT M-115	16 RD (OLD M-42)	660	83013	0.00	0.42	4710	410	11.0	54		
16 RD (OLD M-42)	WCL BUCKLEY	670	83013	0.42	7.42	5291	410	11.0	54		
WCL BUCKLEY	N CO L NCL BUCKLEY	680	83013	7.42	8.43	5509	410	11.0	54		
<b>Route M - 42</b>											
JCT OLD US-131	JCT US-131 FWY	40	83042	0.00	0.83	2773	135	12.0	54		
JCT US-131 FWY	E CO L (WEXFORD/MISSAUKEE)	56	83042	0.83	2.99	3022	135	12.0	54	Y	
<b>Route M - 55</b>											
W CO L (MANISTEE/WEXFORD)	JCT M-37	50	83021	0.00	0.70	2243	296	18.0	70		Y
JCT M-37	21 RD	60	83021	0.70	10.07	2008	237	18.0	70	Y	
21 RD.	35 RD. UAL CADILLAC	70	83021	10.07	17.44	2242	237	18.0	70		Y
35 RD. UAL CADILLAC	W JCT M-115	76	83021	17.44	18.73	6765	237	17.0	70		
E JCT. US-131	E CO L (WEXFORD/MISSAUKEE)	150	83022	1.28	3.16	6356	338	17.0	70		
<b>Route M - 115</b>											
W CO L (MANISTEE/WEXFORD)	W JCT M-37	120	83053	0.00	5.31	4716	96	17.0	63	Y	
E JCT M-37	BOON RD	150	83052	0.00	14.33	6578	386	16.0	59		
BOON RD	13 TH ST	154	83052	14.33	15.38	7916	386	14.0	57		
13 TH ST	DIVISION RD	156	83052	15.38	16.57	9686	386	14.0	57		
DIVISION RD	NORTH BLVD	160	83052	16.57	17.50	10294	386	14.0	57		
NORTH BLVD	W JCT M-55	171	83052	17.50	17.80	11982	386	14.0	57		
W JCT M-55	JCT OLD M-55	180	83021	18.73	19.18	11914	386	14.0	66		
JCT OLD M-55 SCL CADILLAC	JCT US-131, E. JCT M-55	190	83051	0.00	2.49	8651	386	14.0	66		
JCT US-131, E JCT M-55	OLD US-131	206	83051	2.49	2.91	6242	437	19.0	70	Y	
OLD US-131	S CO L (WEXFORD/OSCEOLA)	210	83051	2.91	6.60	5508	437	19.0	70	Y	
<b>Route USBR - 131</b>											
S JCT US-131 CADILLAC	MACKINAW TRAIL	4010	83061	0.00	0.91	4547	283	11.0	51		

MDOT - Bureau of Transportation Planning  
Annual Average Daily Traffic Report

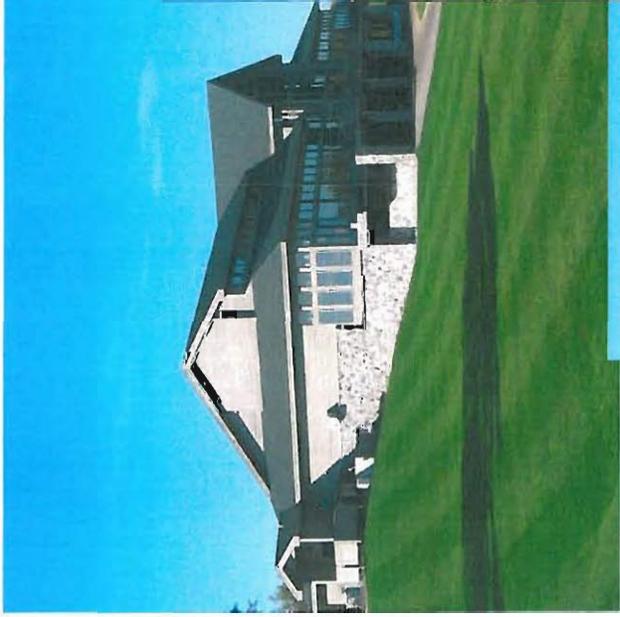
10/29/2013  
Page 2 of 2

Selection Criteria: Year between 2012 and 2013, County= Wexford

From	To	Section #	CS #	BMP	EMP	AADT	CAADT	DHV%	DF	Count	Class
<b>Route USBR - 131</b>											
MACKINAW TRAIL	JCT OLD M-55	4020	83061	0.91	1.66	7141	283	11.0	50		
JCT OLD M-55	WIDER SURFACE @ HOWARD	4040	83061	1.66	2.05	12778	283	11.0	52		
WIDER SURFACE @ HOWARD	CASS ST (OLD M-55)	4050	83061	2.05	2.26	13378	283	11.0	55		
CASS ST (OLD M-55)	RIVER ST	4060	83061	2.26	2.84	13819	427	10.0	53		
RIVER ST	NCL CADILLAC @ 13TH ST	4070	83061	2.84	3.56	11821	427	11.0	52		
NCL CADILLAC @ 13TH ST	JCT MITCHELL AND BOON RD	4080	83061	3.56	4.55	14239	427	11.0	54		
JCT MITCHELL AND BOON RD	JCT US-131	4090	83061	4.55	5.47	9582	427	12.0	53		
M-42 ( 7TH )	MAIN (16TH OLD-42)	5020	83032	8.66	9.16	4738	96	11.0	57		
MAIN (16TH OLD-42)	NCL MANTON	5030	83032	9.16	8.63	4011	96	15.0	57	Y	
NCL MANTON	N JCT US-131 FWY	5040	83032	8.63	13.33	1269	96	11.0	57	Y	
<b>Route OLD - 42</b>											
41-1/2 RD. WCL MANTON	W JCT US-131 BR	20	83041	0.00	0.50	2872	499	12.0	54		Y
<b>Route OLD - 55</b>											
E JCT M-115, M-55	BEGIN CURB @ BALSAM ST	100	83021	19.18	21.46	3160	41	17.0	70		Y
BEGIN CURB @ BALSAM ST	S JCT US-131 BR CADILLAC	110	83021	21.46	21.98	4070	41	17.0	70		
ECL CADILLAC @ CROSBY ST	E JCT. US-131	145	83022	1.16	1.28	7769	329	17.0	70		
<b>Route OLD - 131</b>											
JCT US-131 BR (BOON RD)	JCT US-131 FREEWAY	100	83032	0.00	3.28	5028	116	13.0	57		
JCT US-131 FWY (NO RAMPS)	S JCT M-42	120	83032	3.28	8.66	3568	92	13.0	57		

# **EXHIBIT 38**

# Overview of Clam Lake DDA



**CITY OF CADILLAC**

**RESORT DISTRICT**

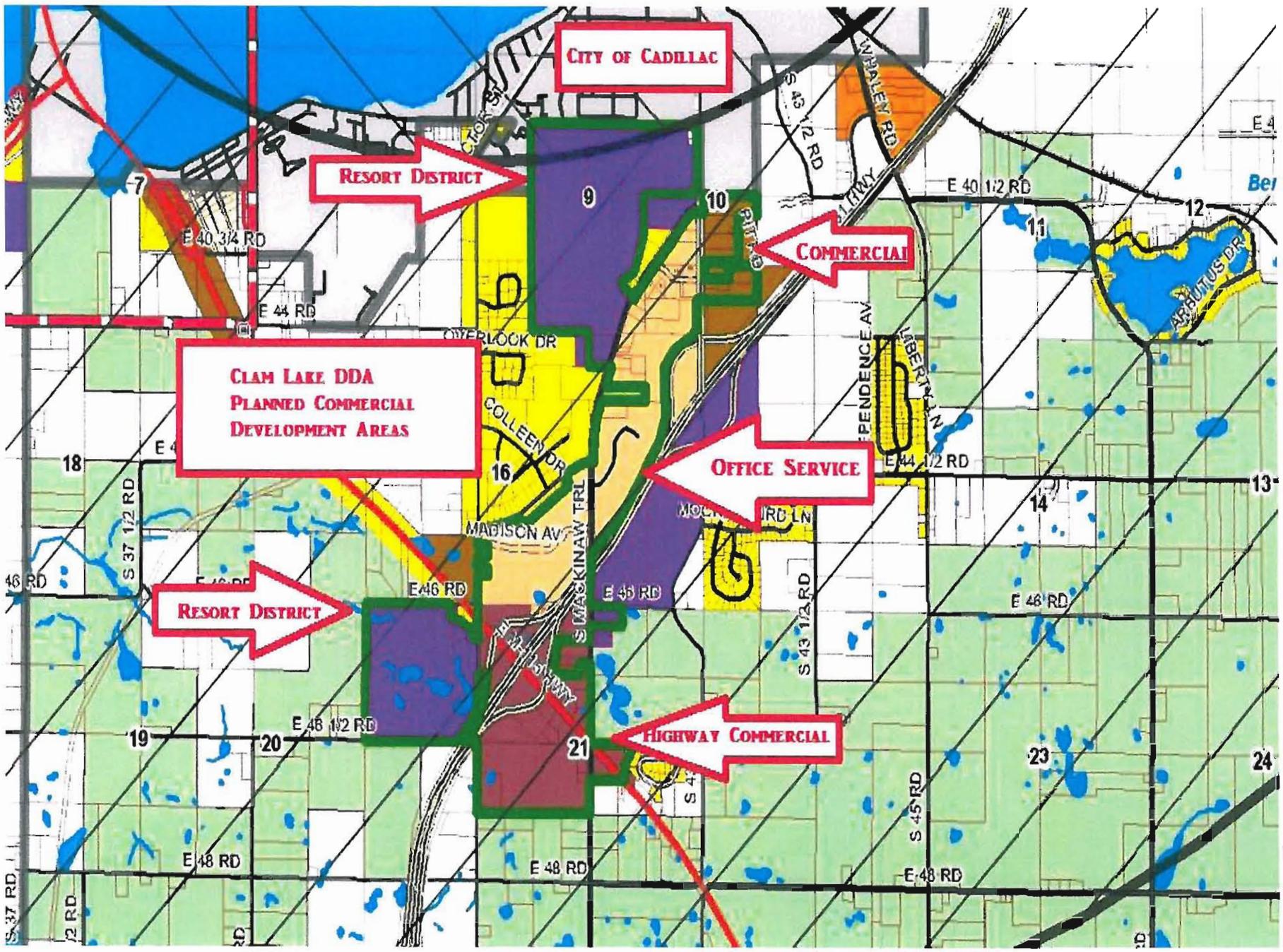
**COMMERCIAL**

**CLAM LAKE DDA  
PLANNED COMMERCIAL  
DEVELOPMENT AREAS**

**OFFICE SERVICE**

**RESORT DISTRICT**

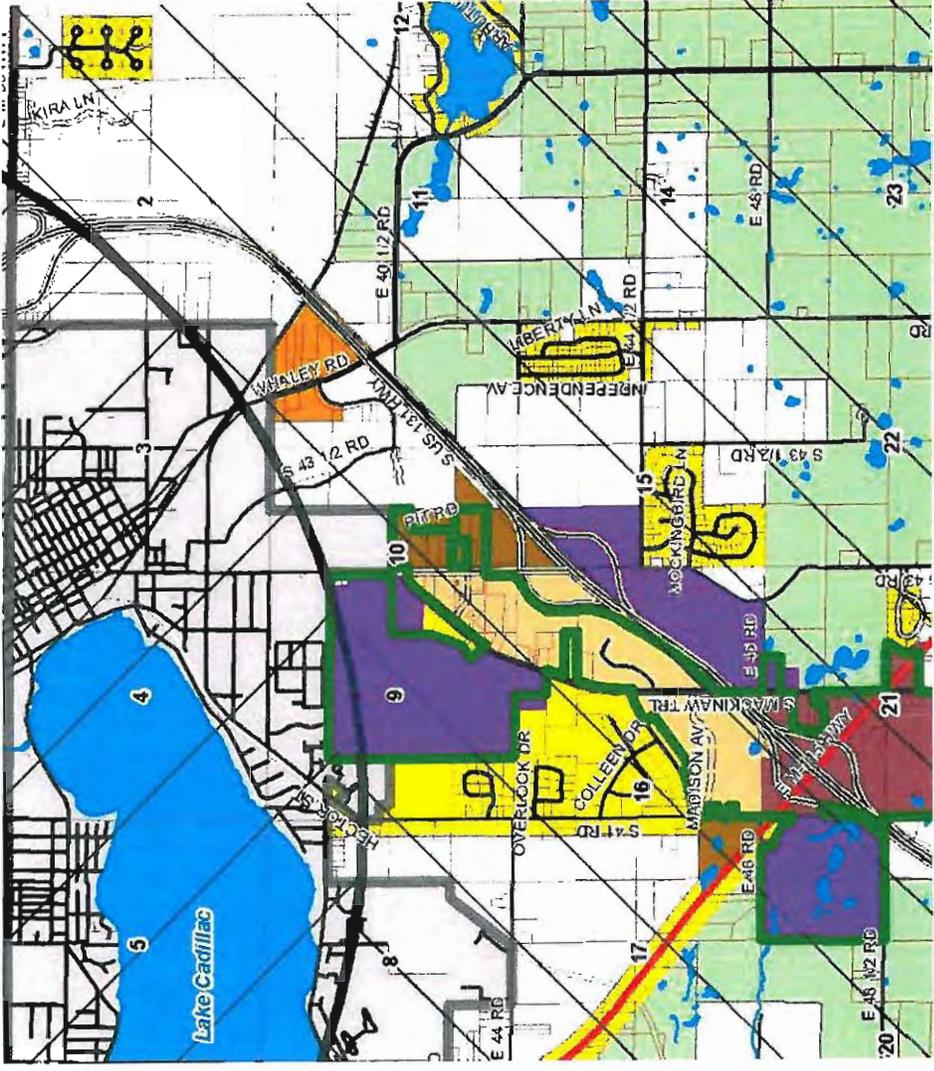
**HIGHWAY COMMERCIAL**



# Clam Lake DDA

- ***Clam Lake DDA has approximately 100 undeveloped acres***
- The Clam Lake Township Downtown Development Authority (DDA) district limits extend along US-131 BR and Mackinaw Trail Corridors on the south side of the City of Cadillac

# Clam Lake DDA Zoning





**FOR SALE**

8 ACRES +/-  
CAN BE SUBDIVIDED  
OFFICE / SERVICE / COMMERCIAL

CALL 404-251-1234

PRINCE & ASSOCIATES



# The Road Ends Waiting for Future Development Exit 177



# The M-115/Mackinaw Trail Corner Availability Exit 176





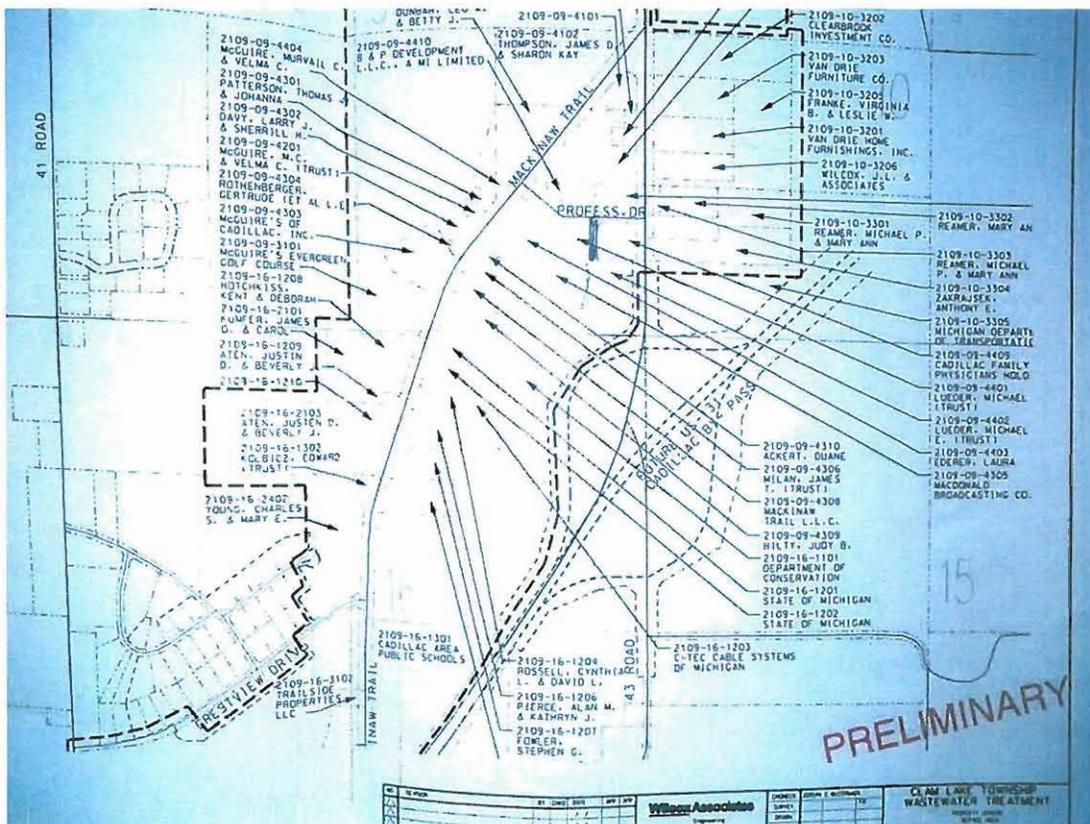
# Room for Planned Development

Exit 177



# Joint Sewer Project

- Clam Lake DDA together with Clam Lake Township developed a sewer infrastructure study and engineering plans



**W**

**SANITARY SEWER FEASIBILITY STUDY**

Prepared for:

Wexford County Department of Public Works

Clam Lake, Cherry Grove, Haring and Selma Townships

**FINAL**

March, 1999

Prepared by:

Wilcox Associates, Inc.  
One Madison Avenue  
P.O. Box 580  
Cadillac, MI 49601  
(616) 775-7755

# Implementation

- The plan for infrastructure is ready to be implemented with increase REU's (residential equivalent units)

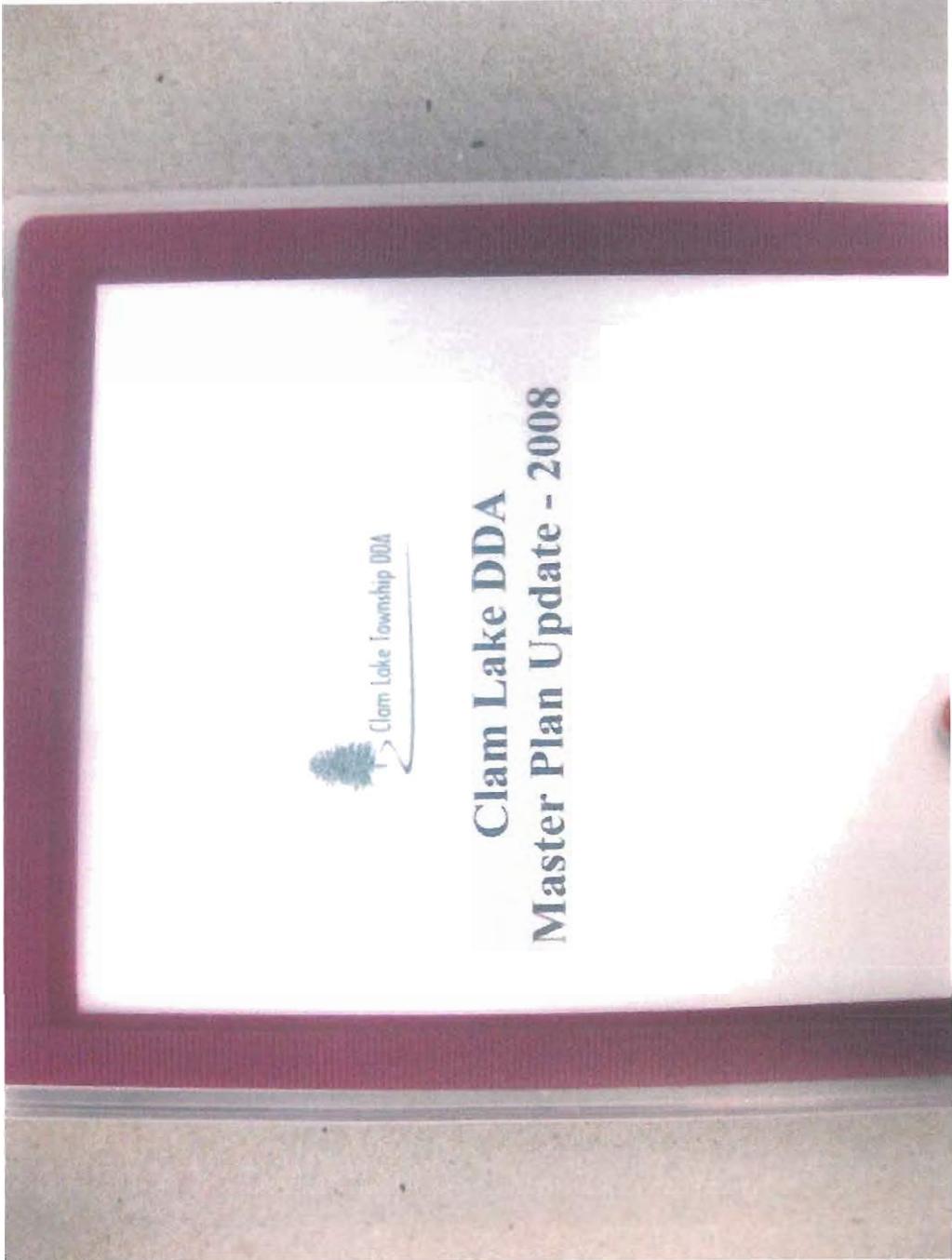
# Brief History of Exit 180

- In April 2008 the Clam Lake DDA passed a resolution not to support the development of exit 180 as proposed
- The proposed development did not fit in with the community's desires as outlined in the current Wexford County Zoning Plan

# Community Support

- While the DDA is highly supportive of commercial development within the township, proper growth by following the Master Plan Approved in 2008 should be followed until there is no longer substantial undeveloped acreage within this planned development area

# Clam Lake DDA Masterplan





# DDA Goals

## Recruit Development with Balance

- Create Appealing Commercial Areas
- Discourage Excessive Curb Cuts and Access to Major Roads
- Maintain Existing setbacks and Develop additional setback requirements
- Limit excessive storage
- Encourage Planned Commercial Development

# Latest Resolution December 2011

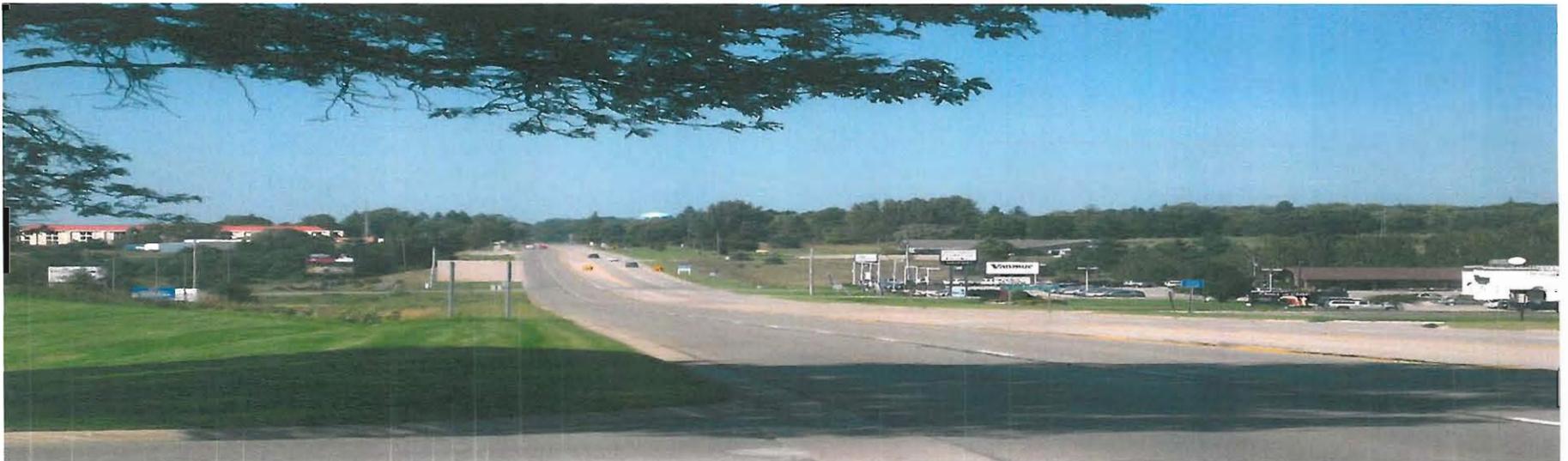
*Motion by Vice Chairman Mike Lueder:*

*Whereas the Clam Lake DDA has approximately 60-80 acres of undeveloped land ready for development and Whereas the Clam Lake DDA has the only Master Plan within the Township with commercial considerations and Whereas this Master Plan has been incorporated into the county wide Master Plan and Whereas the Clam Lake DDA in conjunction with the Clam Lake Township has developed an extensive sewer plan for future installation and Where as the Clam Lake DDA is actively seeking commercial growth and development within its corridor.*

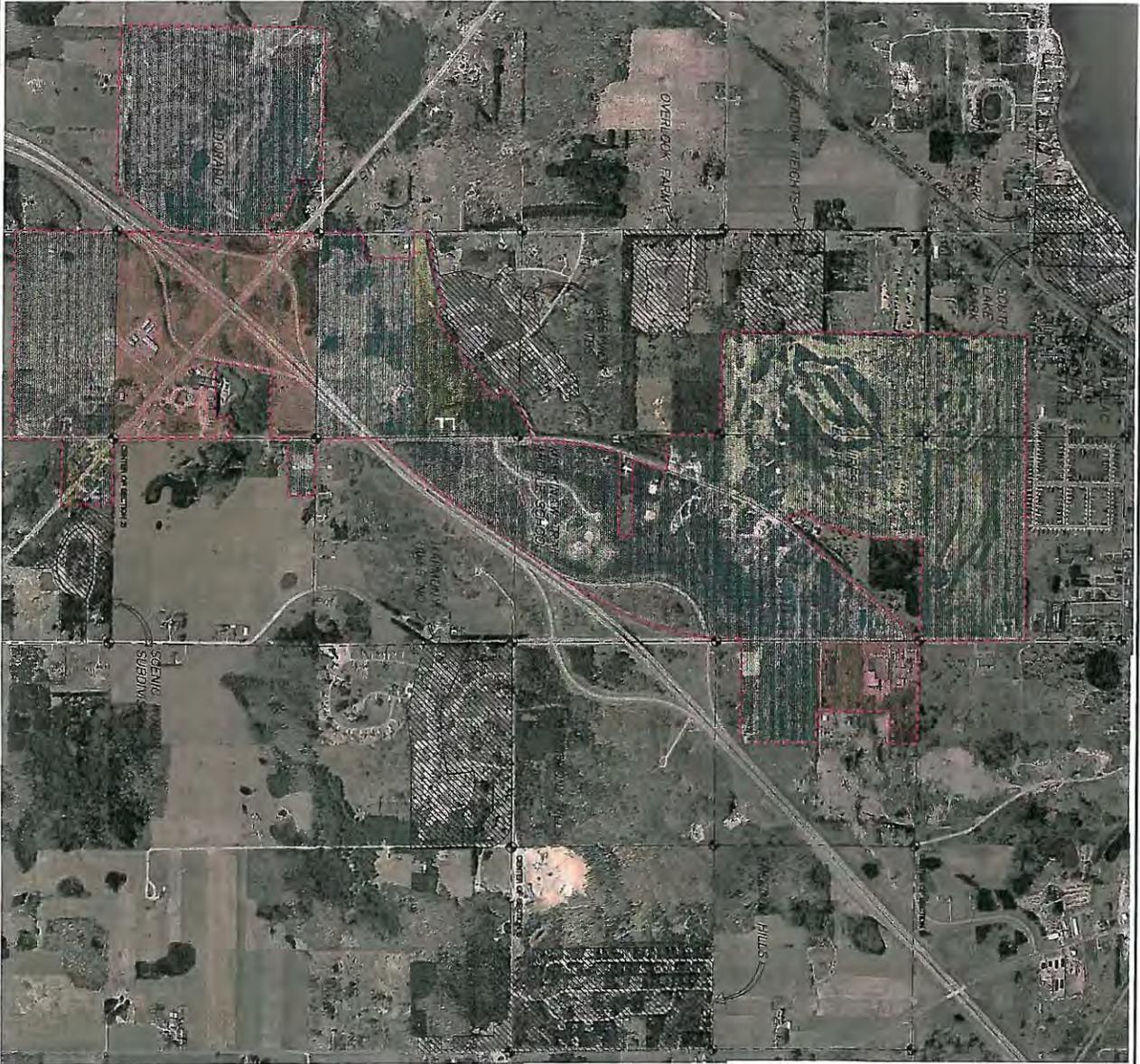
*Be it resolved that the proposed Terri Dee development would be a proper and welcome addition to the Clam Lake DDA and the Exit 176/177 interchange. Motion supported by Steve Kitler, motion approved unanimously*

# Encourage use of Exit 176/177

- A priority goal is to promote and encourage travelers to the Cadillac area to use Exit 176/177 off the US-131 Freeway. This would direct traffic into the Clam Lake DDA district and its commercial properties.



# **EXHIBIT 39**



**CURRENT ZONING LEGEND**

- COMMERCIAL - 1
- COMMERCIAL - 2
- OFFICE - SERVICE
- RESIDENTIAL
- AGRICULTURAL - RESIDENTIAL
- FOREST - RECREATIONAL
- RESORT - RESIDENTIAL
- NOT ZONED



DATE OF AERIAL: APRIL 2005

1	DATE OF AERIAL	APRIL 2005
2	DATE OF PHOTO	APRIL 2005
3	DATE OF SURVEY	
4	DATE OF PLAN	
5	DATE OF PRINT	
6	DATE OF SCALE	
7	DATE OF TITLE	
8	DATE OF SHEET	
9	DATE OF DRAWING	
10	DATE OF CHECK	
11	DATE OF APPROVAL	
12	DATE OF REVISION	
13	DATE OF FINAL	
14	DATE OF CLOSURE	
15	DATE OF ARCHIVE	

**CLAM LAKE TOWNSHIP DDA MASTER PLAN**  
 SEC. 9, 10, 16, 20, & 21, T21M, R29W WEXFORD COUNTY  
 CLAM LAKE TOWNSHIP DDA  
 8809 E. M-115  
 CADILLAC, MICHIGAN 49601  
**CURRENT ZONING**

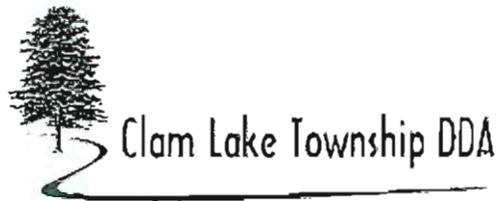
1	DATE OF AERIAL	APRIL 2005
2	DATE OF PHOTO	APRIL 2005
3	DATE OF SURVEY	
4	DATE OF PLAN	
5	DATE OF PRINT	
6	DATE OF SCALE	
7	DATE OF TITLE	
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14	DATE OF CLOSURE	
15	DATE OF ARCHIVE	

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 Cincinnati, OH - 513-233-8888    Cincinnati, OH - 513-233-8888    Cincinnati, OH - 513-233-8888

# **EXHIBIT 40**



# **Clam Lake DDA Master Plan Update - 2008**

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	• <b>Introduction</b>		<b>3</b>
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	• <b>Highlights of 1994 Master Plan</b>		<b>4</b>
<b>Section 2</b>	<b>Development within Clam Lake DDA</b>		<b>5</b>
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<b>Section 3</b>	<b>Scope and Components of Master Plan Update</b>		<b>13</b>
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	• <b>A-1 Clam Lake DDA Parcel List</b>		<b>24</b>
	• <b>A-2 Largest Property Owners in DDA District</b>		<b>26</b>
	• <b>A-3 Clam Lake Corridor Overlay Zone</b>		<b>27</b>
	• <b>A-4 MDOT Proposed Projects in District</b>		<b>32</b>
	• <b>A 5 Streetscape to Light up South End</b>		<b>33</b>
	• <b>A-6 Grant Programs</b>		<b>35</b>
<b>Appendix B</b>			
	• <b>Sheet 1 - DDA Parcels</b>	<b>24" x 36" drawing</b>	<b>Attached</b>
	• <b>Sheet 2 - Current Zoning</b>	<b>24" x 36" drawing</b>	<b>Attached</b>
	• <b>Sheet 3 - Future Land Use</b>	<b>24" x 36" drawing</b>	<b>Attached</b>

## Section 1 – Overview of Clam Lake DDA

### Introduction

Clam Lake Township is located just south and east of the City of Cadillac in Wexford County. The year 2000 census shows that the township has *2,238 people with 929 households*.

The Clam Lake Township Downtown Development Authority (DDA) district limits extend along US-131 BR and Mackinaw Trail Corridors on the south side of the City of Cadillac (see map provided in Appendix B).

The overall purpose of the Clam Lake Township DDA is to enhance the quality of life within the district through economic and physical revitalization. DDAs operate under Public Act 197 and have the authority to complete:

- An analysis of economic changes taking place within the district.
- Long-range planning for the area.
- Land acquisition and improvement.
- Building construction.
- Construction of public facilities including sidewalks, landscaping, parking lots, streets, street lighting, community centers, parks, water mains and sanitary sewer services.

### History of Clam Lake Township DDA

#### 1. Formation of DDA

The Clam Lake Township Downtown Development Authority was formed in 1992 with a *30-year authorization through 2022*.

#### 2. Master Plan

The original master plan for the DDA was completed in November 1994. The master plan was updated in 2005 and again in 2008 with this document.

#### 3. Development within the DDA

Since its formation in 1992, significant changes have occurred within the DDA district, including construction of the US-131 Bypass with the resulting changes to freeway Exit 177 and related traffic patterns within the DDA district. In addition, new office and commercial construction include:

- Dental Health Professionals (1991)
- Mackinaw Trail Pediatrics Building (1992)
- Hilty Office Building (1994)

- BP Gas Station and Taco Bell (1996)
- Oak Ridge Professional Building (1996)
- Mackinaw Trail Middle School (1998)
  
- Cadillac Grill and Eldorado Golf Course (1998)
- Cadillac Family Physicians (1999)
- Holiday Inn Express (2001)
  
- Michigan State Police Post (2001)
- Farm Credit Services (2002)
- Dynamic Physical Therapy – Cadillac Orthopaedics (2003)
  
- Ritzema Family Dental (2004)
- Dr. Jeynes & Dr. Cook Office Building (2007)
- MDOT-Transportation Service Center (2008)

## **Highlights of the original Master Plan**

The original 1994 master plan for Clam Lake Township DDA identified the following goals. Many of these goals have been accomplished. These included the adoption in 1995 of Article 13 of Wexford County Zoning Ordinance (see Exhibit A-3) that provides the Clam Lake Corridor Overlay Zone for planned office and commercial development.

### **Goals**

- 1 Maintain Attractive Setting while encouraging Business Development
- 2 Limit Visual Clutter
- 3 Provide Water and Sewer Service to DDA District
- 4 Create Attractive Business District

### **Office Service Area**

- 1 Create Office Park Environment
- 2 Create Internal Road System
- 3 Regulate Signage
- 4 Promote Site Development Controls

### **Commercial**

- 1 Create Appealing Commercial Areas
- 2 Discourage Excessive Curb Cuts and Access to Major Roads
- 3 Maintain Existing setbacks and Develop additional setback requirements
- 4 Limit excessive storage
- 5 Encourage Planned Commercial Development

## **Section 2 - Development within Clam Lake DDA**

Significant development within the Clam Lake DDA district has occurred resulting in a substantial increase in the tax base and the capture of tax increment funds (TIF) for the operation of the DDA. The tax base has grown from \$5.3 million in 1992 to \$13.9 million in 2007, a growth of 262%.

The following pictures show the high-quality extent and nature of the development that has occurred within the Clam Lake DDA



*Dental Health Professionals - 1991*



*Mackinaw Trail Pediatrics Building - 1992*



*Hilty Office Building - 1994*



*BP Gas Station and Taco Bell - 1996*



*Oak Ridge Professional Building – 1996*



*Cadillac Grill - 1998*



*Eldorado Golf Course - 1998*



*Mackinaw Trail Middle School - 1998*



*Cadillac Family Physicians – 1999*



*Holiday Inn Express – 2001*



*Michigan State Police – 2001*



*Farm Credit Services – 2002*



*Dynamic Physical Therapy – Cadillac Orthopaedics - 2003*



*Ritzema Family Dental – 2004*

## Section 3 - Scope and Components of Master Plan Update

### Mapping

The following maps were prepared for this master plan update and included in Appendix B:

- Sheet 1            DDA Parcels
- Sheet 2            Current Zoning
- Sheet 3            Future Land Use (Future Zoning by Wexford County)

### Goals

The following goals (in priority order) were established for the Clam Lake DDA district.

- 1. Sanitary sewer system**
- 2. Water system**
- 3. Encourage use of Exit 177**
  - a. Sidewalks within the US-131 BR corridor.
  - b. Community Entrance sign at Exit 177
  - c. Commercial promotion sign at M-115
- 4. Convert vacant Public Lands in DDA district (MDOT and CAPS) to developable private property.**
- 5. Plan and develop internal road system**
  - a. East and south of Van Drie's
  - b. Between Mackinaw Trail Middle School and office park
- 6. Recruit Development with Balance**
  - a. Regular updates to Township web site about DDA district
  - b. Small brochure available at Township Hall
- 7. Sell the Vision**

### Projected Revenue through Year 2022

The chart on the next page calculates the estimated revenue received by the Clam Lake DDA from 1992 through 2006 and the projected revenue estimate through 2022. The tax base has grown from \$5.3 million in 1992 to \$13.9 million in 2007, a growth of 262%. Projected tax base is based upon an annual growth rate of 3% growing to \$22.3 million by 2022.

Insert page 14 saved in separate file.

## Section 4 - Sanitary Sewer System

The first priority goal is to have a sanitary sewer system. The desire to build this system is hampered by the ability to provide wastewater treatment. Clam Lake Township has four options for providing wastewater treatment:

1. Each property owner provides its own on-site wastewater disposal.
2. Wastewater treatment is provided by City of Cadillac with annexation of properties served by sanitary sewer.
3. Wastewater treatment is provided by City of Cadillac, but without annexation.
4. Clam Lake Township builds its own wastewater treatment facility.

The Township has been operating all these years with option 1. This has limited the capability of attracting larger developments in Clam Lake Township. Existing large developments like McGuires Resort, operating since 1949, has for years dealt with wastewater disposal with several septic tank/drain fields, yet growth to its present facility with 120 rooms and full-service restaurant has put pressure on these systems.



*McGuires Resort*

Recently, expensive systems were installed to provide for on-site wastewater disposal at Mackinaw Trail Middle School (485 students/32 teachers) and Holiday Inn Express (70 rooms).



*Mackinaw Trail Middle School*

The primary need for sanitary sewers in Clam Lake Township is based upon projects that have significant population density and larger commercial uses. In 2001-2002, Clam Lake Township began the process of engineering design for its own system. In October, 2002, a cost projection was prepared by a bonding attorney, showing the cost per proposed residential equivalent users (REUs). The project was later dropped after several of the major users, representing 55% of the proposed assessment roll, did not ultimately support the project.

Today, we are faced with opportunities for development on vacant lands in and around the Clam Lake DDA district. A larger development could provide more REUs to justify our own wastewater treatment facility and make it financially feasible. Yet, there remains concern that this facility could be completed in short-notice needed to attract a major development.

Without sanitary sewers, the Township may face future annexations. In 2003, Clam Lake Township agreed to annexation of properties off 44-Road with an Act 425 agreement to allow construction of White Pine Village (138 apartments/16.5 acres), Red Pine housing development (221 sites/71.3 acres) and adjacent condominium development (24.2 acres), now served with City water and sewer.

## Section 5 - Water System

A water system consists of water mains constructed within road right-of-ways or easements, an elevated water storage tank, and two or three water supply wells. Water mains cannot be built in the same trench as sewers, and must be separated by at least 10 feet. Options for water in Clam Lake Township are similar to sewer:

- 1 Each property owner provides its own on-site water supply well.
- 2 Water is provided by City of Cadillac with annexation of properties served.
- 3 Water is provided by City of Cadillac, but without annexation.
- 4 Clam Lake Township builds its own water system.

Water systems are desirable for handling projects that have significant population density and larger commercial uses. Providing good quality water and providing water supply for fire protection are the primary benefits of having a central water system. Commercial properties typically see a reduction in their annual insurance premiums if their property is protected by a water system with an elevated water storage tank.

The opportunity exists to work with the City of Cadillac and share resources, with or without annexation. Clam Lake could provide an elevated water storage tank and water supply well on the Mackinaw Trail hill, serving the commercial area in Clam Lake and augmenting the City water system with additional storage and another water supply source.

We are faced with opportunities for development on vacant lands in and around the Clam Lake DDA district. As with sanitary sewer, a larger development could provide more REUs to justify our own water system and make it financially feasible. Yet, there remains concern that this system could be completed in short-notice needed to attract a major development.

## Section 6 - Encourage Use of Exit 177

A priority goal is to promote and encourage travelers to the Cadillac area to use Exit 177 off the US-131 Freeway. This would direct traffic into the Clam Lake DDA district and its commercial properties. *The streetscape lighting project at Exit 177, completed by the Clam Lake DDA in 2007, provided the first step toward meeting this goal (see Exhibit A-5 on page 33).*

To do this, several other strategies were identified:

- 1 Construct sidewalks and streetscape improvements along US-131 BR corridor
- 2 Community Entrance sign at Exit 177
- 3 Commercial promotion sign at M-115

The opportunity exists to work with the City of Cadillac to develop an entrance sign. The Cadillac DDA currently has plans to erect a promotional “gateway entrance” sign at the south end of downtown (near Chapin/Stimson Streets). While this location is about 2 miles north of Exit 177, perhaps a similar design with cost sharing could be accomplished at Exit 177, to present a coordinated look to the public.

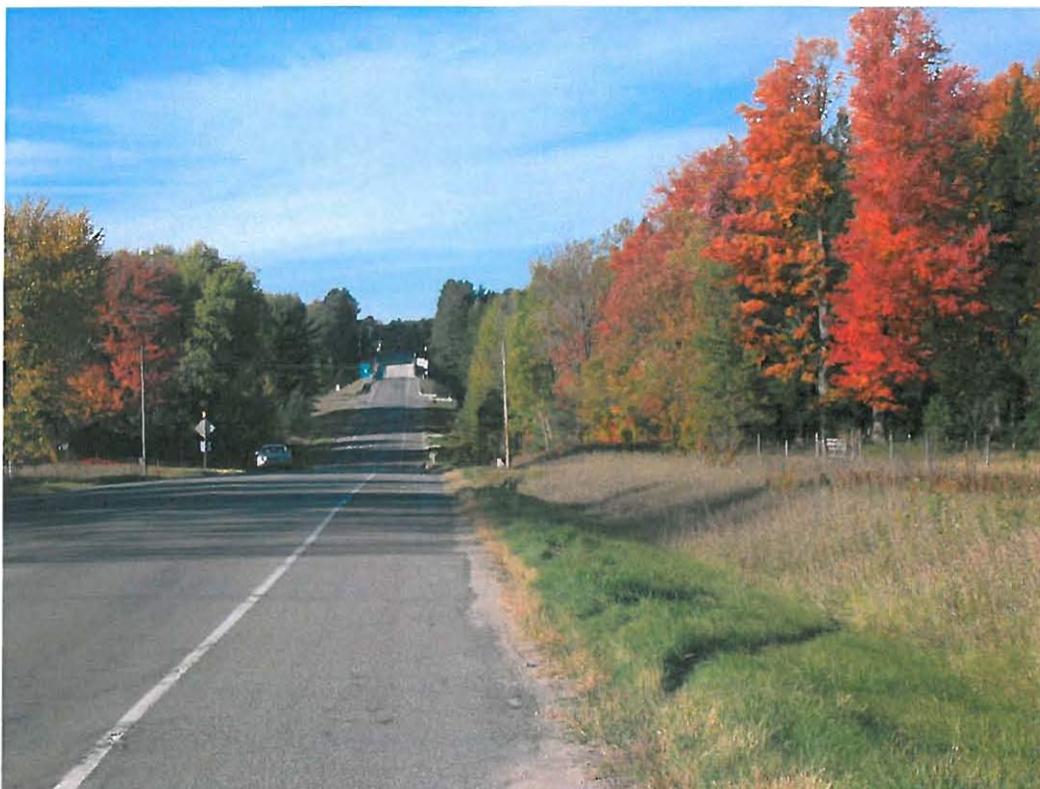


*US-131 BR just north of Exit 177*

## **Section 7 - Convert Vacant Public Lands to Private Property**

Vacant public lands that have been unused, provide no tax base and restrict development. Lands owned in and around the Clam Lake DDA by the Michigan Department of Transportation (MDOT) and Cadillac Area Public Schools (CAPS) could be released for sale and returned to private ownership and the tax rolls. They would then be available for development.

The Clam Lake DDA would like to work with MDOT and CAPS to encourage this.



*Mackinaw Trail looking north from M-115*

## Section 8 - Plan and Develop Internal Road System

There is a plan to expand the developable properties by building internal roads. A priority area for this would be for commercial development around the existing Highpoint Auto and Van Drie Home Furnishings. This would open up significantly more property for commercial expansion, rather than having only strip development along US-131 and Mackinaw Trail. This area provides both highway access and high visibility for merchants and consumers.

The drawing on the following page provides a concept of how this might look with about 100 acres of commercial development.



*East side of US-131BR looking north*

Insert internal road drawing here

Also, providing an internal road between the Mackinaw Trail Middle School and Professional Drive would be beneficial. This would provide a second exit from the school grounds for emergencies. Access could be obtained across MDNR property. There is some concern for making Professional Drive a county road, and such a plan would need to be approved by the Wexford County Road Commission.



*Mackinaw Trail Middle School*

# Appendix A

<b>A-1</b>	Clam Lake DDA Parcel List	24-25
<b>A-2</b>	Largest Property Owners in DDA District	26
<b>A-3</b>	Clam Lake Corridor Overlay Zone	27-31
<b>A-4</b>	MDOT Proposed Projects in District	32
<b>A 5</b>	Streetscape to Light up South End	33
<b>A-6</b>	Grant Programs	34-37

Exhibit A-3

Clam Lake Corridor Overlay Zone

from

Wexford County Zoning Ordinance

# Exhibit A-5

June 20, 2007

## Streetscape to Light up South End

By Kayla Kiley, Cadillac News

The bright lights of Vegas attract many people, and it seems the south end of Cadillac is using a similar philosophy to draw in people and businesses.

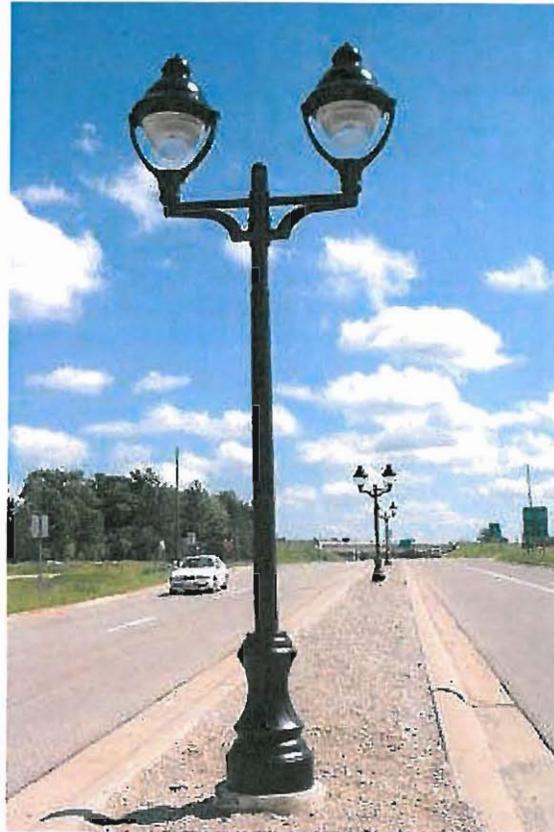
Twenty-one elegant street lamps are currently being constructed at the south end of Mitchell Street to help the district look more charming, inviting and a part of Cadillac. The lights stand tall inside the median at Exit 177 of US-131 and should be functional within a week. The lighting project should be completed later this summer.

The streetscape lighting project cost \$100,625 and was funded by Clam Lake Township Downtown Development Authority. Due to bidding the purchases and installation contracts separately and with the DDA buying the lights directly, the project was 33 percent below the \$150,000 budget, according to Scott Thompson of Driesenga & Associates, Inc. of Cadillac.

The lighting project is the first phase of future streetscape improvements the DDA has planned as Cadillac grows.

“As the area grows, there will be more improvements,” said Dean DeKryger, co-chair of DDA board. “The DDA hopes to promote development through infrastructures. The (streetscape) development depends on the growth (of the city)—they go hand in hand. We must grow together.”

As the Cadillac area grows, the DDA plans to include sidewalks, pathways, landscaping and more lighting at the south end of Cadillac. The decorative street lighting project is a cooperative effort between the DDA and MDOT.



Kayla Kiley | Cadillac News

Clam Lake Township DDA is constructing 21 street lamps inside the median at Exit 177 off US-131 on the south end of Mitchell Street. As the Cadillac area grows, the DDA plans to include sidewalks, pathways, landscaping and more lighting at the south end of Cadillac.

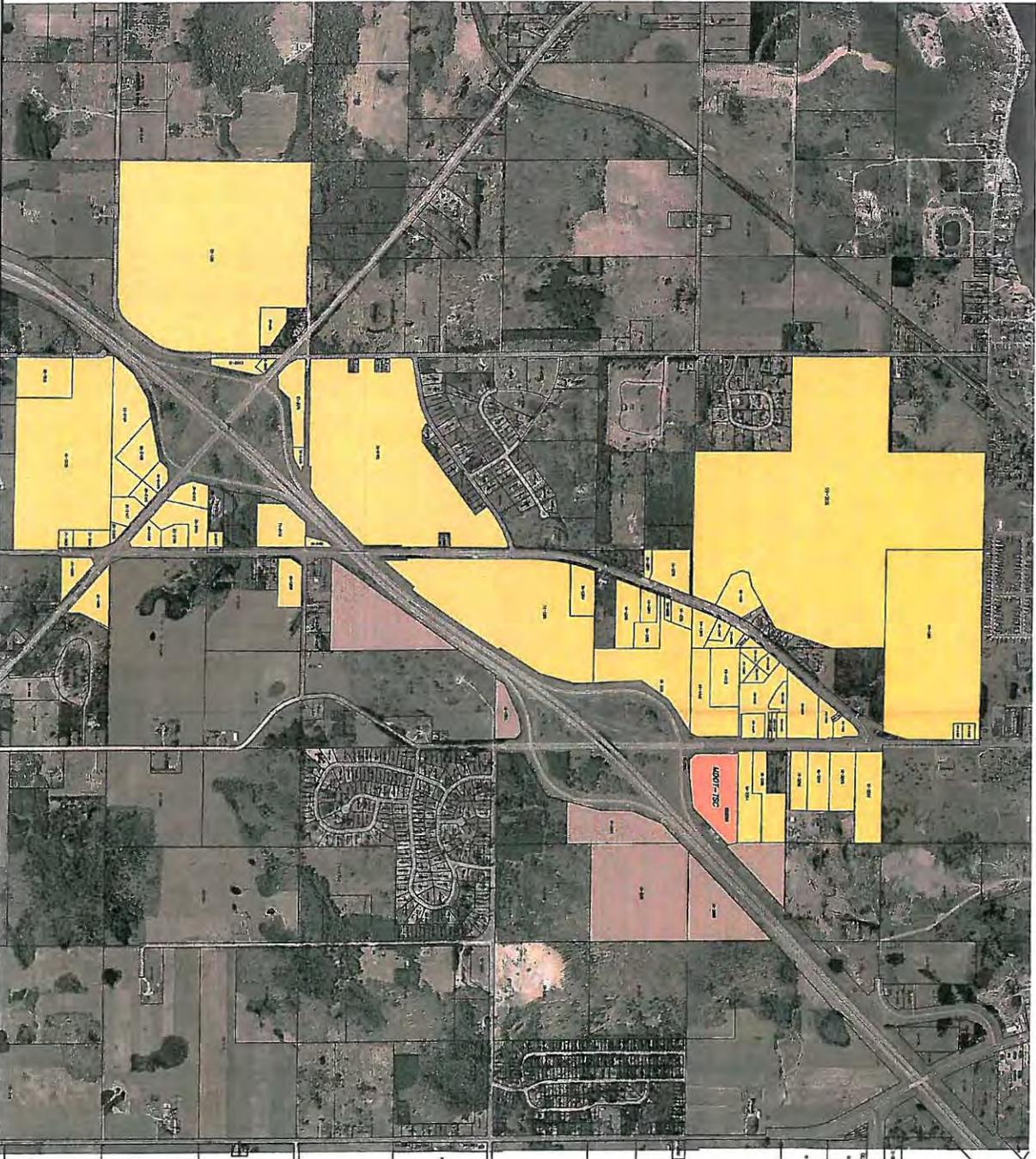
# **Appendix B**

**Sheet 1 - DDA Parcels**

**Sheet 2 - Current Zoning**

**Sheet 3 - Future Land Use**

# **EXHIBIT 41**

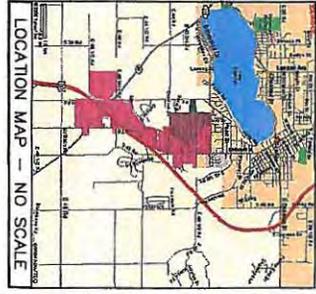


DATE OF AERIAL: APRIL 2005



**LEGEND**

- DDA DISTRICT
- MDOT-19C
- MDOT PARCELS & PROPOSED POST SALE FINANCING



Project No.	DDA DISTRICT
Scale	AS SHOWN
Drawn by	DDA DISTRICT
Checked by	DDA DISTRICT
Date	APRIL 2005
Sheet No.	1 of 3

**CLAM LAKE TOWNSHIP DDA MASTER PLAN**  
 SEC. 9, 10, 16, 20, & 21, T21N, R9W WEXFORD COUNTY  
 CLAM LAKE TOWNSHIP DDA  
 8909 E. M-115  
 CADILLAC, MICHIGAN 49601  
**DDA DISTRICT**

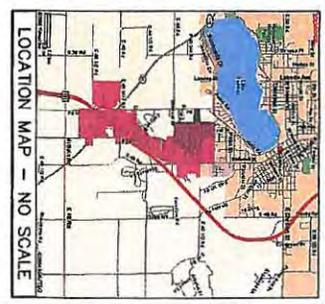
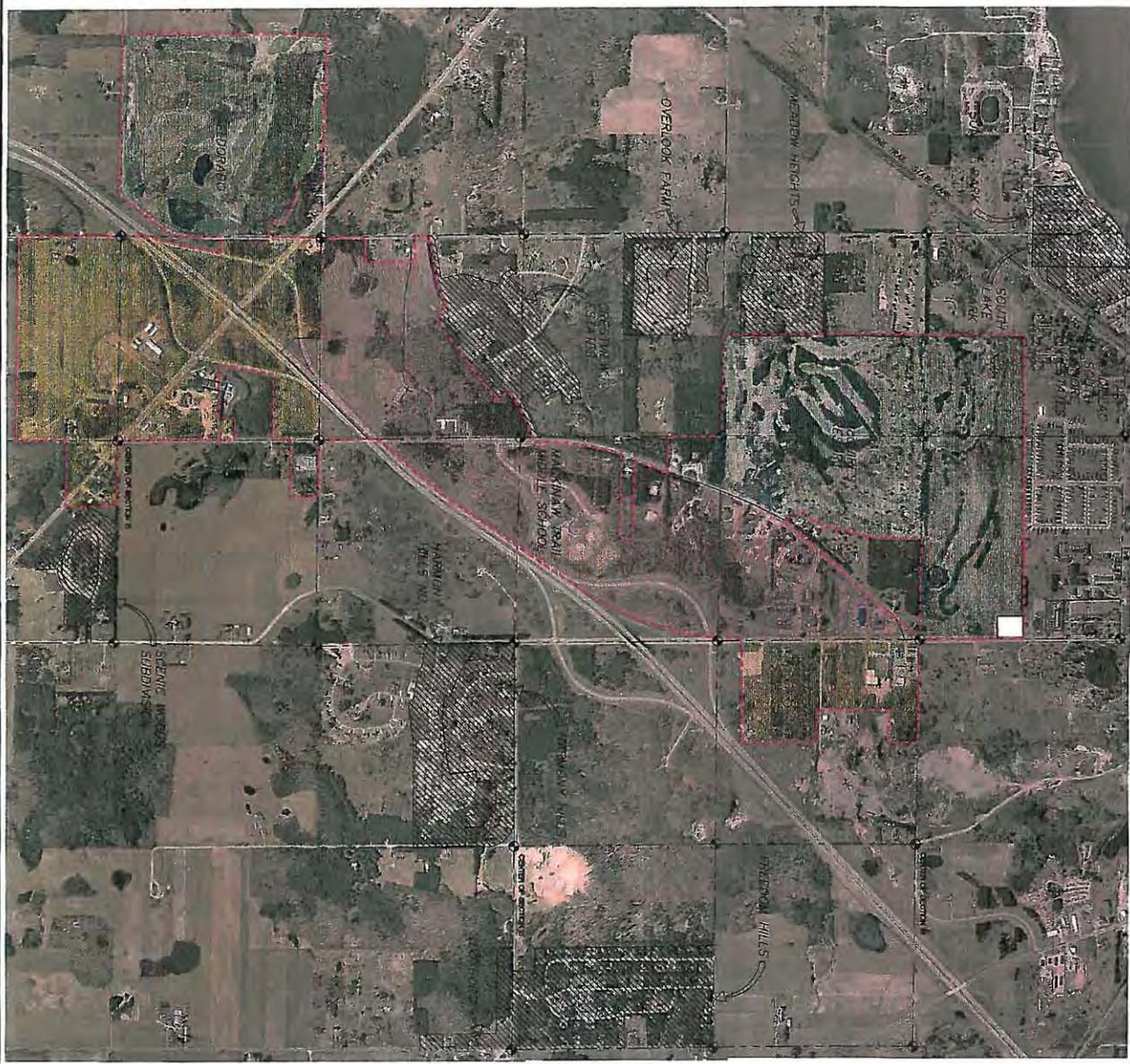
REVISIONS	
NO.	DESCRIPTION

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 Fax: 616-366-2800    Detroit: 616-366-1455    Cadillac: 616-317-9120

# **EXHIBIT 42**



**FUTURE LAND USE LEGEND**

-  OFFICE SERVICE
-  RESORT
-  COMMERCIAL
-  RURAL RESIDENTIAL



DATE OF AERIAL: APRIL 2005

DESIGNED BY	SCOTT
DRAWN BY	BOVY
CHECKED BY	BOVY
DATE	02/24/05
SCALE	AS SHOWN
PROJECT NO.	05-0027-1
DATE	02/24/05

**CLAM LAKE TOWNSHIP DDA MASTER PLAN**  
**SEC. 9, 10, 16, 20, & 21, T21N, R9W WEXFORD COUNTY**  
**CLAM LAKE TOWNSHIP DDA**  
**8809 E. M-115**  
**CADILLAC, MICHIGAN 49601**

**FUTURE LAND USE PLAN**

REVISIONS	
NO.	DATE
1	02/24/05
2	02/24/05
3	02/24/05
4	02/24/05
5	02/24/05
6	02/24/05
7	02/24/05
8	02/24/05
9	02/24/05
10	02/24/05

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 Office ND, IA - 605-233-2000    Office IA, WI - 262-661-1155    Office WI - 312-511-3430

# **EXHIBIT 43**

is lots of open space, but not in agriculture residential area.

- Response: For the following reasons the *Plan* will not be changed
- Special use permits are not spot zoning (see numerous court cases, too many to list here).
  - Development standards for campgrounds will be part of future zoning for Wexford County.
  - Campgrounds will be included in districts which are consistent with the lists at the beginning of each land use map chapter (F2., F3., F4., F5., F6., F7., F8., and F9.) named "Land uses found and commonly allowed" and "Under special conditions might include".

**Future Land Use Map(s) (p. 24-42).**

**Future land use map, F1., (p. 24-42) Raymond Fox (Exhibit P5):**

"When the Master Plan and the master plan map are final the private owned land should be called what it is described [?on the zoning map?] as on the master map [?future land use map?]."

Agriculture, smaller parcels agriculture residential, and lot size residential and timber land called Forest land."

**Follow future land use map, F1., (p. 24-42) Ray Fox, 8360 W. 6½ Road., at public hearing (Exhibit O1)**

"Stated that he thought it was a good plan and recognized it as being the first in the State to be done under the new planning law and asked that the new land use map be followed and that it reflect current land use."

- Response: For the following reasons the *Plan* will not be changed
- The County Zoning Act<sup>27</sup> requires a zoning ordinance is based on a plan. In Wexford County's case the proposed *Wexford County Comprehensive Plan*, adopted pursuant to The County Planning Act<sup>28</sup> is the plan zoning is to be based on.
  - This is reiterated as an explanation as to one of the many reasons why a county adopts a plan on page 24 of the *Fact Book*.
  - This is reiterated as the *Plan's* intent in D4. of the proposed *Plan* (pp.11-13).
  - There will not be a direct correlation from the future land use plan map and a proposed zoning map. The *Plan* is more general. The zoning map is more specific. For example for the future land use map area "residential", the corresponding areas on the zoning map may include an R-1, R-2, R-3, and other residential zoning districts. In "transition" areas zoning districts similar to existing zoning would exist – with intent for those areas to change over time.

<sup>27</sup>P.A. 183 of 1943, as amended, (being the County Zoning Act, M.C.L. 125.201 *et. seq.*)

<sup>28</sup>P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et. seq.*)

**Future Land Use Map(s) (p. 24-42).**

**Follow future land use map, F1., (p. 24-42) Amelia Benson (address not reported) and Joe Dumont, 6244 Avon Lane., at public hearing (Exhibit O3)**

"asked about the proposed "Transition" areas shown on the proposed Land Use Plan and what it meant."

"Chairman Solomon stated that these are areas which are close to existing development and designate areas which are most likely to change uses in the near future. By designating them 'Transitional', when the areas do change, it will not be necessary to keep amending the Comprehensive Plan."

- Response: For the following reasons the *Plan* will not be changed
- 72. See responses on pages 122, 132.

**Future Land Use Map(s) (p. 24-42).**

**Commercial areas, F1., (p. 24, 28-30, 34-37, 39-42) Steve Cunningham, 1211, S. 15 Road, Harrietta., at public hearing (Exhibit O7)**

"He also expressed concern about the existing commercial areas found along the main roads and State Highways and the need to direct them to areas where infrastructure can best serve them. He also pointed out the number of vacant big box stores found in Haring Township"

"Tim Evans then described the existing commercial zones found in the County and the need to direct future commercial development to areas where infrastructure was in place to serve commercial development consistent with the policy of the proposed *Plan*."

- Response: For the following reasons the *Plan* will not be changed
- See discussion, above, on the balance between too much commercial and too little commercial on page 111, 114, 122, 119, and 114.
  - We understand the comment is an endorsement of the proposed *Plan*, F3., 2.

**Future Land Use Map(s) (p. 24-42).**

**East M-55 zoning remain Residential, F1., (p.24, 40, and 42) Quinn (Exhibit H-8):**

"I live on the east side of Cadillac just beyond the 131 freeway exit #180. I am in the small subdivision located at that exit. I am concerned that this area remain residential or forest recreational as zoned. The image of the city and the county when approaching in this direction has always been rural and I would like to see it remain this way. It shows off the heritage of Cadillac by a countryside and then the old homes of the lumberman as you approach downtown. And then you see the view of the lake. I would hate it if this area looked like our busy north end with no definition of our heritage. The history of our area should be preserved and this approach into town shows it

off to a great advantage.

My neighbors in this subdivision and in homes nearby agree with this as evidenced by the numbers who came to the Zoning Boards meeting when there was a request to change the zoning in this area.

Thank you for your consideration of us."

- Response: For the following reasons the *Plan* will **not** be changed
- The future plan map shows the area east of the freeway as "Rural Residential" and "Agricultural-Forest Production."
  - See discussion, above, on the urban growth boundary on page 114.
  - We understand the comment is an endorsement of the proposed *Plan*, F1., F7., F8., and F10.

**Future Land Use Map(s) (p. 24-42).**

**Follow future land use map, F1., (p. 33) County Board member Leslie Houlser, 5270 N. 25½ Road, Mesick, at public hearing (Exhibit O4)**

"asked about the proposed land use designations for part of Section 6, in Colfax Township as it affected his land."

["Chairman Solomon responded by stating that Mr. Housler's property would be reviewed and appropriate changes made to reflect the current land use."]

- Response: For the following reasons the *Plan* will **not** be changed
- Leslie Housler owns the W½ and the SE¼ of the NW¼ of section 6, T23N R10W, 183± acres (and another 123 acres in section 7, T23N R10W).
  - The SW¼ of section six is "Agricultural-Forest Production" and the N½ is "Rural Residential" on the future land use map.
  - Mr. Housler was not asking for a change.

**Future Land Use Map(s) (p. 24-42).**

**Keyhole development - Lake Mitchell, F1., (p. 39-41) Sperry Claypool, 4573 West Lake Mitchell Drive., at public hearing (Exhibit O2)**

"asked about the future zoning around Lake Mitchell with a desire to change it from Resort-Residential to Residential to include provisions in the Ordinance for 'anti-funneling.'"

["Chairman Solomon stated that the changes and concerns are noted."]

- Response: For the following reasons the *Plan* will **not** be changed
- Limiting the number of houses sharing lake access is supported by 64.1% of county residents (*Fact Book* p. 126).
  - 82. The Planning Commission agrees (and the concept should apply to all lakes in the county).
  - 83. We understand the comment is an endorsement of the proposed *Plan*: A change to address this issue (adding a G2., 2.2.3.) has already been done (see page 124).

**Resort v. Residential, F5., (p. 49 (& 50)) Penny Rice Lipinski, 600 Arbutus Drive, Cadillac, at public hearing (Exhibit O8)**

"inquired about the differences in uses between Resort-Residential and just Residential."

["Tim Evans explained what the differences are in the current zoning ordinance and what the potential changes would be under a new zoning ordinance. Further, that under a Residential Zoning District, some of the commercial type uses which may be allowed as special uses in the Resort-Residential Zone would change to more compatible uses to residential."]

- Response: For the following reasons the *Plan* will **not** be changed
- The comment is an inquiry, not asking for a change.

**Campgrounds in Rural Residential, F7., (p. 51) Raymond Fox (Exhibit P1):**

"There are no two camp grounds alike. Some allow more activities than others.

If there is a camp-ground to go in an agriculture, residential area, there should be more restrictions than in a larger unpopulated area. No excessive noise, no concerts, no camp fires. Only cooking on gas grills should be allowed.

Snowmobiles, motorcycles, and 4 wheelers should not be operating on private land near the camp ground.

In agriculture areas where farm machinery is moved on the road, is the road able to take the extra vehicles with out creating a hazard on the road?

There should be a setback of 150 feet in agriculture residential area. Proper waste disposal should be in the center of the camp grounds, oked by the health department.

Camp grounds should be located in or near state land, and it is also called public land anyway.

There is a of northern lower Michigan state land or public land.

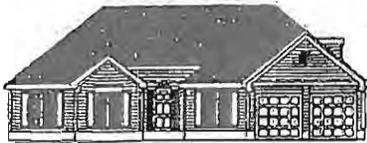
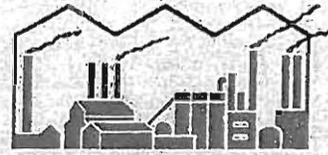
That would give the camp ground plenty of room to play in."

- Response: For the following reasons the *Plan* will **not** be changed
- The proposed *Plan* is to introduce general concepts, and the *Fact Book* is to introduce background research upon which decisions (goals, objectives, policy/strategy/methods) made through public participation (citizen committee) are based.
  - Development standards for campgrounds will be part of future zoning for Wexford County.
  - Campgrounds will be included in districts which are consistent with the lists at the beginning of each land use map chapter (F2., F3., F4., F5., F6., F7., F8., and F9.) named "Land uses found and commonly allowed" and "Under special conditions might include".
  - Equal treatment (e.g. same rules applied to like land uses) is a basic fundamental principle which will need to be followed in any regulation system concerning campgrounds.

# **EXHIBIT 44**

CITY OF CADILLAC

LONG RANGE COMPREHENSIVE PLAN  
-1994-



PLANNING BOARD  
CITY OF CADILLAC, MI

As indicated by the Comprehensive Plan Map (Figure 2), U.S. 131 is slated to be rerouted to the east of the city as a continuation of the U.S. 131 freeway system, now lying to the south of Cadillac. This improvement is expected to relieve traffic congestion along U.S. 131 as it passes through the city's CBD (Mitchell Street Corridor). The new alignment calls for an interchange west of the city on M-55. Existing U.S. 131 will remain as a business route.

The proposed U.S. 131/M-55 interchange may result in pressure to develop area properties for commercial and/or industrial purposes. Such development is generally not consistent with the existing residential character of the interchange area. Moreover, the presence of a new commercial district at this location could negatively impact similar development already existing along the Mitchell Street route. Of particular concern are the many fast food restaurants, convenience stores, automobile service stations, and similar establishments which depend heavily on transient traffic. Therefore, it is recommended the U.S. 131/M-55 interchange and surrounding area not be developed with competing businesses. Instead, it is recommended that future development be consistent with current uses. These include primarily residential, religious, and office developments.

The city's remaining roadway network includes a system of:

- local streets serving primarily the needs of residential subdivisions
- collector streets which funnel traffic between the city's principal arterials and local streets
- arterial streets which function as major routes for the cross town movement of vehicles. Mitchell Street, Crosby, M-55, and M-115 are examples of arterials.

The planning, development, and maintenance of city streets falls under the jurisdiction of the City Engineering and Public Works Departments. As with other city infrastructure programs and policies, this plan incorporates by reference the planning and development policies and programs established by the city pursuant to the identification, timing, and financing of future road improvements.

**COMMERCIAL DEVELOPMENT  
NON-CBD  
LAND USE/DEVELOPMENT--OBJECTIVES  
CITY OF CADILLAC**

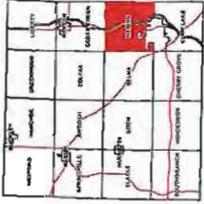
1	Within the existing commercial area bordered by M-115 (West Cadillac), permit the maximization of "Tourist-Service" related development throughout the general area encompassed by the M-115/M-55 Interchange as currently zoned.
2	Pursuant to the West Cadillac business area and based on the recommendation of #1 above, incorporate access control standards pursuant to driveway/curb cut placement, uniform sign standards, and uniform landscape standards. Additionally, examine and if necessary, implement improved methods/safety standards associated with "cross-street" pedestrian movement. (Note: based on the classification of the highways, this effort will have to be coordinated with the Michigan Department of Transportation.)
3	Approximately 65% of the Mitchell Street corridor frontage (outside the CBD) is devoted to automotive/vehicular businesses. This rate is considered high given the desired retail mix. Vacant properties currently exist throughout the corridor. The zoning of these properties varies. Certain parcels are zoned to permit automotive/vehicular uses, while others prohibit such development. Considering the present rate of automotive/vehicular land uses, combined with the availability of additional area zoned for similar development, the City shall discourage the rezoning of other Mitchell Street properties to accommodate automotive/vehicular uses.
4	Identify and inventory vacant properties located along the Mitchell Street corridor to determine construction code and zoning compliance, and potential for rehabilitation. Initiate procedures to remove any structures found to be in a blighted condition.
5	Design and implement a "non-intensive" streetscape program to be instituted throughout the length of the Mitchell Street corridor. The streetscape should be designed to compliment the more "intensive" streetscape found within the CBD. (Note: intensive referring to the number and type of streetscape elements, density at which the elements occur, and degree of maintenance required.)
6	Install "coordinated" identification signage at the City's major commercial entry points. The signs should be designed and constructed in a manner that serves to identify Cadillac as a friendly, yet progressive and unique community.
7	Encourage the assembly of individual lots as a means of creating parcels of sufficient size to accommodate larger commercial developments. This objective may be accomplished by the public or private sector or both.
8	Restrict the commercialization of M-55 between the proposed US-131/M-55 Interchange and Business Route 131 (Mitchell Street). Future development along the above segment should recognize, and be compatible with the character of existing land uses.
9	In addition to consideration of Element 8, above, future requests associated with the commercialization of the proposed US-131/M-55 Interchange should carefully consider the financial impacts on existing commercial development within the general area of the Mitchell Street corridor.
10	Encourage the planning commissions of Wexford County and Haring Charter Township to implement objectives consistent with numbers 8 and 9 above.
11	The City has recently experienced the development of a major hotel on Mitchell Street near its southern border. The City shall encourage the growth of additional compatible development (i.e., restaurant, tourist related retail, Forest Service Building, and so forth) while discouraging non-compatible uses.
12	The City recognizes the importance of Mercy Hospital as a regional health care provider and employer and seeks to retain the facility at its present location. The City also understands that possible impacts (i.e., traffic, noise, need for signage, demolition of homes, and so forth) resulting from the hospital's growth may pose concern for area neighbors. To diminish such concerns, the City shall work with all parties to address long-term neighborhood and hospital needs.

# **EXHIBIT 45**

# Haring Township Zoning Overlay

Approved By the Haring Township Board of Supervisors October 17, 2006

All municipalities in Westchester County are equal in rank and no municipality has jurisdiction over another. If a conflict arises between the zoning ordinance and the State Constitution, the State Constitution shall prevail.



## Legend

- Other Road
- State Highway
- Interstate Highway
- Mile Marker
- Railroad
- Airport Runway
- Hydrology
- Water Body
- Parcel Boundary
- Haring Township Zoning
- AGRICULTURE
- COMMERCIAL
- FOREST/RECREATIONAL
- INDUSTRIAL
- LIGHT INDUSTRIAL
- OFFICE RESIDENTIAL
- RESIDENTIAL
- RESORT/LAKE
- PUD Overlay Zone

